



universität
wien

MASTERARBEIT

Titel der Masterarbeit

„Greece and its Refugees: Protection Problems of
Afghan Refugees in Athens“

Verfasserin

BA Sigrid Walch

angestrebter akademischer Grad

Master of Arts (MA)

Wien, 2012

Studienkennzahl lt. Studienblatt:

A 066 656

Studienrichtung lt. Studienblatt:

CREOLE-Cultural Differences and Transnational Processes

Betreuerin / Betreuer:

ao. Univ.-Prof. Mag. Dr. Hermann Mückler

Contents

Acknowledgements	III
Introduction	1
Personal Motivation	5
Research Object and Research Questions.....	8
Contemporary Research, Aims and Contributions	9
The Work in Brief	14
Chapter 1 Methodology.....	16
Research Site and Fining Access	17
Research Methods.....	19
Participant Observation.....	20
Interviews	21
Photographing.....	23
Method of Analysis	23
Applied Theoretical Perspectives	24
Chapter 2 Refugees – A Worldwide Phenomenon	27
Chapter 3 Immigration towards Greece and its Implications	36
Migration in the Past and Present, Impacts and Recent Political Response.....	37
Persisting Illegality of Immigrants and the Demographic Gap	43
Nationalist Ideology and Global Connections of Migration Processes	46
Chapter 4 Migration Policies and their Manifestations on Transnational and National Level	47
Chaper 5 Managing Migrants and Refugees	54
Discursive Constructions of Immigrants - a Foothold of State Power	55
Refugee Management in Greek Border Regions.....	57

Greek Border Regions as Zones of Exception	61
New Security Technology and the Formation of Governable Subjects.....	65
Illegality and Sovereign Power	67
Bilateral Exit through the Greek Turkish Readmission Agreement.....	71
Chapter 6 Asylum Process and Practice	76
The Asylum Application Process.....	77
Legal Aid for Asylum Seekers.....	82
The Asylum Process and Decision Making at First and Second Instance	89
First Instance	90
Some Numbers.....	97
Second Instance	99
Conclusion: Danger and Prospects.....	106
Bibliography.....	112
Books and Articles	112
Online Resources	118
Interviews	121
Appendix	122
Abstract.....	122
Curriculum Vitae	124

Acknowledgements

This thesis could not have been written without the support and engagement of a great number of people. My gratitude encompasses all those who have contributed to this study and offered their time, advice and help during the process of this work.

First of all, my special thanks to my supervisor Dr. Hermann Mückler, who provided his support and help to my research project. I also want to thank several professors of the Department of Anthropology at the University in Maynooth, who supported and encouraged me in the formulation and development of this research project especially at an early stage. My most profound thanks go to Dr. Steve Coleman, Dr Karolina Szmagalska-Follis and Dr. Mark Maguire.

I am also especially thankful to all Afghan refugees in Athens, who have participated in this study and shared their individual experiences with me. Only through their contributions in words and actions this study was possible. I am very grateful for their openness which allowed me to step for a while into their lives. They let me see forms of humbleness and courage previously unknown to me. Some of them received me in their material impoverishment with such generosity and heart-warming kindness which I will always remember and be grateful of. My encounters with all refugees left a deep impression and have deeply enriched my personal life.

I would also like to thank the various people in Greek NGOs that were open to this study and allowed me access their institutions. Thanks to all who have allocated their time and contributed with their experience, knowledge and insights to this research.

I am also extremely grateful to all my Greek friends, who have accommodated me and made space for me in their midst during the whole research process. I want to thank them for the good care, the great support and warm kindness with which they have surrounded me all this time.

Finally, my deeply- felt thanks go to my family. Without their support, encouragement, and love I could not have accomplished this work.

Introduction

It is October, 5th 2011, Saturday morning at around five o'clock. The day is breaking. I have arrived by car at my destination: Petrou Ralli street number 23 in Athens. The place is isolated and relatively far away from the city centre. Next to the noisy freeway some dusty and untrafficked lanes snake along into nothingness. The whole area is bleak and deserted. There are hardly any buildings, no shops, and no houses - nobody lives here. A van appears swirling up some dust behind it while it crosses the large and sandy car park. The vehicle is swallowed by a gate and disappears within an enclosed area of what might be a warehouse of a factory. Stonewalls run along wide distances, encircling spaces, blocking sight and movement.

There is only one large building complex that is conspicuous in this wasteland. On top of it is a waving blue and white striped flag. It is the Greek national flag - a powerful symbol. The national emblem on this building indicates the importance and authoritarian power inherent in this architecture. The prominent building is the police directorate or the so called Greek Ministry of Citizen Protection, hereafter MoCP. The high security space is enclosed by cement walls and large fences. At its front, back and side there are several gates with control points, which are guarded day and night by policemen carrying heavy guns. Nobody can leave or access this space without permission.

On one side a large crowd of people has congregated. Watching from a little distance I can see around 80 people- most of them men, but also a few women even with small children and babies. They are all waiting in front of the high fence and a closed gate. The fence marks an insurmountable separation line between those people outside and the police guards inside. Some of the people outside try to get closer to the gate and seem to push with different force towards it. Others sit on the ground with their back leaned at the fence. Suddenly the struggling gets rough and it seems that only the strongest can push through to the first lines.

Most of these people have spent the whole night waiting at this site, without seats, without any form of shelter, totally unprotected from cold or rain. Many are carrying blankets or sleeping bags with them. In these surroundings access to basic facilities is lacking – there is not even a public toilet. The place is full of waste and the wind swirls ragged plastic bags.

The many people are all foreigners from different countries. All the men, women, and minors have come here for one reason only. They are in search of international protection and want to submit an asylum application. The submission of an asylum claim for the whole Attiki area can only be done at the MoCP in Athens. Asylum seekers are kept in these deplorable conditions, and must wait for long periods under the control of the Hellenic Police. At 6 o'clock a group of police guards appear in front of the crowd and try to disperse the people by shouting at them. In a swift and rough action the guards pick out only a few individuals that are brought inside. After a few minutes of loud shouting and turmoil the procedure is over. In a highly unorganized, aggressive and random manner about 20 individuals are chosen and taken into the interior of the police station. These are the lucky ones who will be able to submit an application and register their asylum claim today.

Direct face-to-face encounters between the policemen inside and potential refugees outside the fence are rare. Although caught up in the same process there is a strange absence of human relations or personal contact between the police and the waiting individuals. Policemen avoid talking with these people, ignore their questions, and avoid eye contact. The striking indifference and disconnection is according to Gregory Feldman (2012) typical in modern forms of migration management since it allows the transformation of migrants into static and dehumanized policy objects. Immediate personal engagement with refugees or migrants would "only expose to attack the moral arguments underpinning the official's power position and that of the juridical, political, and economic system they represent" (Feldman 2012:5).

Many of my informants stated that several refugees arrive on Thursday at the MoCP in the hope to gain a good place, which might increase their chances to register for asylum (Interview with Katherina Komita, lawyer at the GCR, March 20, 2012; Interview with Spyros Risakos, director at Aitima, March 20, 2012). According to several local NGOs an extraordinary small number or about 20 to 25 individuals are selected each week (ibid). These people can submit their application by filling out an official form in the asylum office. In exchange for five photographs the bureaucrats in the asylum office will issue the applicant a pink card. This foldable card, printed on pink paper is the official identification document in Greece and designates an individual as an asylum seeker. By ascribing a temporal legal status to its holder, the pink card protects asylum seekers from forced deportations. Furthermore,

the document gives asylum seekers throughout the asylum process the right to work, free access to public health care, and access to the public education system. However, jobs in the formal sector remain unattainable for most foreigners, even with the necessary documents. Employment for refugees and asylum seekers can often only be found in the shadow economy in form of unstable and low paying jobs. According to the law holders of a pink card are entitled to public health care services. However, in practice the personnel in public hospitals are often unaware of this fact, or due to the lack of interpreters in hospitals medical treatment for foreign patients remains uncertain.

An official date for the upcoming asylum interview is also printed on the pink card that the applicant receives. While Greek asylum law stipulates that the first interview must take place within three months, in practice asylum seekers often wait up to one year to get their case initially examined (Interview with Spyros Risakos, director at Aitima, March 20, 2012; Interview with Vasilis Ververis, legal consultant at the group of lawyers, February 12, 2012).

However, it should be emphasise that the majority of the refugees assembled in front of the MoCP could not register their cases. For them it is totally unknown how long it will take until their cases will be registered and finally processed. Most of the refugees who have been waiting in front of the MoCP for hours, or even days, are left without any official registration or any explanations. Finally, the police guards go over to chase away the remaining refugees by threatening gestures and loud shouting. The police tell them to “leave” and “come back next week”, which sounds like mockery and scorn after an utterly degrading procedure.

The architecture of the high security building and the force of the Greek police have effectively prevented these refugees to access the asylum office and the asylum process. With this form of administration and with these modes of regulative practices the Greek state violates international refugee law which foresees the unhindered access to a fair asylum procedure. In this form of refugee management Greek authorities deprive regularly large numbers of refugees from their fundamental rights and entitlements. With these practices the Greek state considerably decreases the protective capacities of international law and undermines the international refugee regime.

These initial descriptions were given for the purpose of illustrating and underlining the difficulties asylum seekers face with the essential task of submitting an asylum application to

Greek authorities in the MoCP. In these regulated practices the Greek state excludes large numbers of potential applicants from the asylum procedure. Fact is that the MoCP in Athens accepts not more than 25 asylum applicants, once per week on Saturday 6:00 am. This institutionalized practice is indicative of Greece's general migration management. It shows how the Greek state can govern over refugees and asylum seekers with authoritarian power and constantly breaches national and international legal frameworks.

According to estimates of local NGOs, 80% to 90% of all asylum seekers in Greece agglomerate in Athens and try to submit their application to the MoCP under the described conditions. It seems that the Greek state has established structures that hinder asylum seekers from free access to the asylum system and violates fundamental rights and legal entitlements of refugees.

The asylum application process in Athens is inefficient, arbitrary, violent and humiliating for each individual in need of protection. This ethnographic study reveals, however, that it is not only the initial phase of the asylum procedure but the whole asylum process that remains characterised by inefficiency, arbitrariness and painstaking bureaucratic processes.

Although the Greek state has accepted the 1951 Refugee Convention and incorporated its norms into domestic law, the Greek state seems to suspend this legal order continuously and transcends laws unpunished. The asylum practice in Petrou Ralli illustrates that sovereign power plays an important role in the overall control and management of refugees and asylum seekers in Greece.

The present study will explore and examine the ways in which the Greek state governs over the alien bodies of Afghan refugees and asylum seekers. The overarching aim is to shed light on the exercise of state power in the field of migration. In particular, the study investigates the Greek refugee regime, by looking closely at two aspects: migration management at the Greek borders and the Greek asylum system in Athens. The investigations are guided by the central question of the relation between the Greek state and Afghan refugees in terms of power. This study seeks to problematise the use of the state power in the political domain of migration and asylum. The aim is to increase the knowledge regarding the question of the role of violent state performances in the current Greek migration management. Through a reading of key texts by Michel Foucault and Giorgio Agamben and contemporary

anthropological discussions on sovereignty, modern states and transnationalism, this study tries to reveal moments and constellations in which the Greek state acts as the sovereign against Afghan refugees. The study seeks transparency in respect to how the Greek state exerts power on foreign bodies, transcends the legal order and demonstrates or re-affirms its superiority.

In his compelling work *Homo Sacer* (1998), Giorgio Agamben elaborates on the paradox of sovereignty and the problematic role of sovereign power in modern democracies. His treatise on sovereignty had a profound impact on this study and provided a suitable theoretical lens which could be held in front of the ethnographic material collected in Athens. A critical conclusion of this research is that the Greek state moves continuously in the governance of refugees beyond existing national and international laws and that the state of exception has become an essential political rationale in the field of migration. In accordance to Agamben's gloomy outlook, the findings in Athens indicate that unlawful and rogue state behaviour have become a constant element in the Greek management of refugees. It must be stressed that the findings presented in this work, have emerged only from a small scale and thus must be regarded as preliminary insights that need to be further assessed by more extensive follow-up studies.

Personal Motivation

Greece's financial crisis has turned into a political crisis and made the country slip into deep economic, political and social turmoil. The heightened public attention given to the Greek economic struggle is owed to the fact that the crisis in Greece has not only shaken the Hellenic republic but it has shaken the whole European Union and its foundational pillars. Despite the cut of debts, repeated large scale financial injections and a strict austerity policy the functioning of the Greek state has become totally dependent on external financial resources. In the course of the past four years the recession in Greece has deepened and its economy has shrunk drastically. The negative economic climate in Greece has intensified a host of other problems, which have received only minor attention by European media. One of these neglected issues is the situation of refugees and asylum seekers in Greece.

In the Greek media immigration is one of the most discussed topics. Immigrants in Greece are generally presented as a matter to which the economic crisis has lent extra weight.

Immigrants have become the scapegoats for all kinds of political shortcomings, and an increasing political radicalisation on migration matters is observable. Media and politicians throughout all parties speak indifferently about migrants and they know only one word to refer to migrants: “(lathro)metanastes”. A negatively charged term which can be best translated as clandestine or illegal migrants. Even in discussions about refugees or asylum seekers the term lathrometanastes is usually applied, instead of the more accurate term of “prosfiges” which means refugees. The fact that the figure of the refugee or the asylum seeker hardly appears in public discourse is indicative of the degree to which the existence of refugees in the Greek society is denied and their hardship and difficulties are ignored.

For many years the Greek state has turned a blind eye to the increasing presence of immigrants and refugees within its national territory. The current situation of refugees in Greece is no doubt a result of political denial and policy failures of the past. Neither the Greek state with its institutions nor the Greek society in its awareness, have adjusted to the new arrival of immigrants and refugees at their doorsteps. Nevertheless, the presence of these foreigners in the country persists and has brought transformative processes for the Greek society with irreversible effects. Despite the harsh critique of several NGOs on Greece’s migration policies and considerable pressure of the EU on Greece to comply with European standards the Hellenic Republic can still not be rendered as a safe haven for refugees (see Skordas and Sitaropoulos 2004).

Large scale immigration is a rather a recent phenomenon in Greece. Immigration intensified in the 1990s and was connected with the disintegration of the communist regime, and the former Yugoslavia, as well as political unrest in different African countries and the Middle East (A. C. Danopoulos and C. P. Danopoulos 2004; Gropas and Triandafyllidou 2005; IOM 2008). The heightened immigration pressure on Greece has exposed lacking immigration policies, the weaknesses of the Greek border control and the underdevelopment of the Greek asylum system. Unquestionable Greece has turned into a major recipient of refugees and asylum seekers within the EU. Despite this fact Greece has failed to establish a functioning asylum system that can secure the protection and human treatment of refugees. For many years Greece’s official recognition rates of asylum claims at first instance have remained below 1% (Amnesty International 2010; IOM 2008; UNHCR 2011b). This rate is extremely low and raises severe doubts about a fair examination of asylum claims in Greece.

At the end of 2010, the Greek government passed new laws and developed plans for far-reaching asylum reforms. Those political commitments remain empty rhetoric as long as the laws have not been fully implemented and the enacted reforms show considerable improvements.

Many European newspapers, as well as national and international NGOs, have repeatedly reported on the shocking conditions in overcrowded detention centres and an overall degrading treatment of refugees in Greece (Amnesty International 2010; Die Zeit 2010; IOM 2008; Migreurop 2009).

At the Greek side of the river Evros dead bodies of immigrants are frequently washed up (UNHCR 2010:7,8; IOM 2008:55), and it is estimated that in 2011 more than 1.500 people drowned or went missing in their desperate attempt to reach Europe by sea (UNHCR 2012). In reaction to these events and deficits, Athens became a focal point of demonstrations in 2011. Different refugee groups openly protested at the beginning of the year against the violation of their rights and their severe mistreatment by Greek authorities. Some of these refugees made recourse to radical forms of protest such as squatting, hunger strikes and moth sewing. In the last year, open protests of immigrants and refugees have become rare in Athens. This is less connected with the improvement of their situation but more with the rise of anti immigrant attitudes and also increasing racial discriminations and racist violence against foreigners in Greece. The current social climate is charged by mutual mistrust, anxieties and severe tensions between immigrants and Greeks. The rising acceptance of the ultranationalist party Golden Dawn that won 7% of the votes in both parliamentary elections clearly reflects the intensification of an anti-immigrant climate in the Greek society. Furthermore, Golden Dawn members have instigated organized violent attacks against immigrants in Athens, Patras and elsewhere. As a kind of informal militia Golden Dawn members have started to patrol several neighbourhoods in Greek cities in order to “protect” Greek citizens from “dangerous” and “criminal” migrants. Such anti-democratic alignments and increasing racial-discrimination affect all foreigners in Greece extremely negatively irrespectively of their legal status. In light of Greece’s massive economic downturn and the political instability and political radicalisation the situation of refugees and asylum seekers might further exacerbate.

In short, the economic crisis in Greece combined with Greece's institutional unpreparedness to intensifying immigration movements, lacking policies or delayed political actions and reforms in the field of migration and asylum have resulted in alarming predicaments of refugees and asylum seekers in Greece (Amnesty International 2010; Migreurop 2009, 2010). The recent developments in Greece and a pre-existing interest in forced migration and refugee studies were the decisive factors that prompted this ethnographic research.

Research Object and Research Questions

This section will give an outline of the research object and guiding research questions. Basically, this research project set off in an ethnographic study of the everyday lives and protection problems of Afghan refugees and asylum seekers residing in the urban setting of Athens. From this angle the relationship between the Greek state and refugees was explored. A major concern of this research was how the Greek state deals with refugees and asylum seekers inside its territory and what are the actual state practices in the domain of migration.

In the course of the anthropological research, the empirical investigations were directed into two particular aspects of Greece's migration management: border control and asylum. Anchored in an ethnographic study of Afghan refugees and asylum seekers in Athens, the present work gleans views on the modes of governance which the Greek state has installed in respond to alien bodies on its territory. It seeks to illuminate the workings of state power and the practices of the Greek state in the management of refugees and the legal and political realm of migration. The anthropological investigations into Greece's refugee management are embedded in contemporary theories on sovereignty, modern nation states and the configurations of power within states.

In form of a bottom up approach, the experiences and conditions of Afghan refugees will be linked with a particular form of governance of the Greek state and bureaucratic practices or quasi-judicial processes in the field of migration and asylum. This study tries to reveal the protection problems of Afghan refugees created by a specific form of governance and by particular structures of the Greek asylum system and the current asylum practice.

The overarching aim is to capture the distribution of power in the relationship between the Greek state and Afghan refugees. The present work tries to reveal to which extent the Greek state has incorporated excessive and violent performances of power in its governance of migrants and has established a slow-motion and arbitrary bureaucracy that determines the lives of refugees.

A few remarks on the terminology must be added. The term refugee will be applied in the context of this research broadly to all those individuals who became uprooted from their original social, economic, and political contexts. Hence, the term refugee in this research is used not strictly in conformity with the legal category of the 1951 Convention relating to the Status of refugees. As many commenters have underscored the legal refugee definition is of very limited scope, since it was carefully designed not to violate the state's sovereignty (Chimni 2009:16; Fuglerud 2005:304; Shuman and Bohmer 2010). The term refugee, here, designates, above all, people, who are in search of safe haven and escaped from contexts characterised by violence and prevailing social or political insecurity.

The definition of violence is in this context also broadly chosen. It includes physical violence originating from state authorities or other members of society, structural violence caused by structures and institutions that produce inequalities, and discursive violence enshrined in the discursive practices and dominant public and political concepts that generate exclusion and hatred.

Contemporary Research, Aims and Contributions

Before directing the attention to a small sample of literature that was relevant to the elaboration of this research it is useful to stress in a first step why anthropological perspectives on the study of refugees are of special value.

While human migration is not a new phenomenon, today's world is on the move like never before. The increased mobility of people and the intensification and acceleration of their movements has become a dominant feature of the modern world (Jacobsen and Landau 2003; Nyers 2006; Papademetriou 2011a; Zolberg and Benda 2001). Parallel to the increasing significance of this phenomenon, studies on migration have been growing and in particular the study of refugees has become a major field in contemporary anthropology (Colson 2003:1). Since the movement of people is a phenomenon of both, high political significance

and high socioeconomic complexity ethnographic research in the field of refugees can make valuable contributions (Nyers 2006; Papademetriou 2011b). The strength of anthropological studies lies in their potential to establish links between political, economic and social processes and it is the interrelation of these processes that loom especially large in the field of migration (Papademetriou 2011b). Anthropological perspectives can help to make the complex interplay of these interwoven processes more transparent. Anthropological studies have a large potential to reveal multidimensional aspects and can describe their manifestations in concrete settings and promote a better understanding of complex linkages and wider transnational connections.

The remainder of this section sketches out some of the academic perspectives in the field of migration and refugee studies that provided points of departure for this work. The literature in the field of migration is, of course, enormous and the task consists of only briefly pointing out some relevant literary contributions from which the present work has considerably drawn. Besides, some research gaps in the disciplinary field will be exhibited and it will be shown in which ways this study could make new contributions.

In recent years, several anthropologists started to investigate particularly the situation of urban refugees. The reason for it is that large cities attract growing numbers of refugees and other migrants today. Urban centres generally provide better economic opportunities and a higher degree of anonymity. Also pre-existing community structures can be found in and around cities that attract increasing numbers of refugees. In 2006, the *Journal of Refugee Studies* released a Special Issue on refugees and asylum seekers in urban areas. The articles in the issue deal with different livelihood and protection problems as well as the counterstrategies of urban refugees and their social impacts on the receiving societies in four developing and four industrialized countries (Jacobsen 2006:273). All these studies have shown that refugees actively develop strategies to reduce their predicaments. A very interesting overlap of these studies in this issue was that host societies would actually benefit from refugees if they were allowed to lead productive lives, absent from legal restrictions, permanent insecurity and social marginalization (Banki 2006; Campbell 2006; Dryden-Peterson 2006; Grabska 2006; Hopkins 2006; Landau 2011). These articles with their critical conclusions gave important impulses for the development of my research project.

The compelling insights of these articles influenced the generation of new questions and new explorations in the urban setting of Athens.

Although the study of refugees in urban contexts was given more attention in the past years, it still remains a rather under-researched area (Jacobsen and Landau 2003:196). Furthermore, there is less research done on urban refugees in industrialized countries than in developing countries. In particular, research of urban refugees in EU countries remains thin. However, especially European countries have shown exceptional difficulties with the acceptance and integration of immigrants in their countries. Relatively independent of the policy strategy - multicultural strategies in Scandinavian countries or the Netherlands, models of glaring neglect like in France or delayed efforts like in Germany - in nearly all EU countries non-European migrants share the common lot of economic, political and social marginalization (Papademetriou 2011b:25-26; Smith 2011; Wikan 2002). Hence, research within EU countries is of high relevance and the generated insights should be utilized to inform the public, to reduce social tensions, minimize social conflicts and to advise policymakers. It seems that studies on refugees and migrants in European countries are still in their infancy and more research projects should venture into this area in future.

Within the EU, Greece has turned into a pulsating zone of refugee and migration movements from East and South. Due to the current economic, political and social difficulties in Greece the situation of refugees and migrants has become precarious. As initially mentioned xenophobic and racist attitudes are rising, social cleavages are deepening, and the proliferating and increasing social receptiveness for radical and extremist politics have created an explosive climate in Greece. Academic research and thorough investigations into the current social, political, and economic processes must be pursued in order to deescalate the situation in Greece, prevent conflicts, reduce tensions, and inequalities in the Greek society.

In the past, ethnographic research on refugees in Greece was mainly limited to refugees of European or Greek-ethnic origin, such as Loizos' ethnographic studies on Greek Cypriot villagers. Loizos focused on refugee livelihoods and the experience of displacement and exile, as well as lasting political insecurity and the impact of these circumstances on health (Loizos 1975, 1981, 2008). The fact that refugees in Greece usually live a life in permanent political insecurity and in constant fear of refoulement for years seems to bear some

resemblance to the experiences of Loizos' Cypriot refugees. Another extensive fieldwork on Cypriot refugees was carried out by Zetter. His work is valuable with regard to his theoretical contributions. Zetter introduces and revises the concept of refugee labelling. This theoretical framework distinguishes between forming – transforming and politicizing the legal category of refugees, a perspective that critically informed this research (Zetter 1991, 2007). The anthropologist Michael Herzfeld (1992) produced a very interesting study on bureaucracy and the bureaucratic handling of identity in Greece. A question he tries to answer in his classic work is: "How does it come about that in societies justly famed for their hospitality and warmth [like Greece] we often encounter the pettiest forms of bureaucratic indifference to human needs and suffering" (Herzfeld 1992:1)? Even a decade later Greek bureaucracy seems to produce the same indifference to which Herzfeld has referred in his study. In another more recent study on bureaucracy within the Swedish welfare state the anthropologist Mark Graham (2003) has investigated into the role of emotions in bureaucratic encounters. Interestingly is that also Graham who focused in his research on the response of civil servants to refugees also points out at an emotional and empathetic erosion of bureaucrats due to their everyday contact with refugees and their misfortunes. These studies were critical for my own research project in Athens, since they increased my sensibility and attention for bureaucratic practices in order to gain fresh insights on a widespread problem.

Additionally, Michel Foucault offered with his concept of biopolitics (2010 [1987]) and his critical writings about powerful institutions indispensable and highly valuable perspectives that influenced this research profoundly. Foucault's writings to the workings of power in society had a great impact not only on this research, but on anthropological theory in general. Especially his studies of the modern states and modern techniques to objectify subjects are highly valuable in the context of this research. Also this research is concerned with the current dividing techniques of the Greek state, in particular the classificatory processes in the context of asylum that specifies between individuals and contains some and exclude others (Shore 2005:239; Alonso 2005:28).

Also Giorgio Agamben's *Homo Sacer: Sovereign Power and bare Life* (1997) was highly illuminating for this research. Agamben elaborates on sovereign power that is deeply entrenched in the antithetical principles of violence and justice. Agamben's analysis

sensitizes us, that the sovereign “is the point of indistinction between violence and law, the threshold on which violence passes over into law and law passes over into violence” (Agamben 1998:32). Foucault and Agamben’s theory were carried into many anthropological studies and were connected and elaborated in new ways. The legacy of both thinkers is highly overt especially in the theories of political anthropology and one of its subfields sometimes referred to as the anthropology of the state. In this subfield, anthropological analyses seek to focus on every day practices, different forms of representation, public discourses, the exercise of power and its effects - according to Sharma and Gupta (2006) these are the “modes through which the state comes into being” (Sharma and Gupta 2006:27). Several scholars have argued that approaching and analysing states through the lens of bureaucrats and their social-cultural practices is a rewarding strategy; in this way deeper understanding of the diffuse ways in which power and governance works will be promoted (Sharma and Gupta 2006:27; Shore 2005:239). Following these advices I tried in my own research to understand how power is exercised over refugees and asylum seekers by looking closer at the practices of state officials and bureaucrats empowered by the Greek state. A special focus was given to the bureaucratic encounters of asylum seekers and their lawyers in NGOs.

In a globalized world states also remain powerful players. States play crucial roles in the transnational movement of people and the management of populations. As many authors have stressed, states intrude nearly into all aspects of our existence (Krohn-Hansen and Nustard 2005; Gupta 2006; Shore 2005; Blom Hansen and Stepputat 2005). The recently growing interest of anthropology in sovereign power has resulted in gripping insights and unsettling theories. Ethnographies of the state are highly relevant in today’s world. Sovereign power is constituted within states and must be analysed from within. Yet, since the influence and power of states reaches far beyond their territories it is also important to analyse states within a transnational frame (Krohn-Hansen and Nustard 2005; Sharma and Gupta 2006b). This is why the analysis of the migration management in Greece will also be at certain points related to the larger transnational frame of the European Union which impacts Greece’s domestic policies.

All in all the development of this research project was only possible through a broad spectrum of anthropological literature, sketched out here very briefly. The present work was

inspired by many different authors, has drawn from their ideas and picked up aspects from their theories in order to build upon these academic foundations.

The Work in Brief

This work will explore the ways in which the Greek state governs over Afghan refugees and asylum seekers. The ethnographic study aims to examine and problematise the existing power relations between the Greek state and Afghan refugees. As such it makes investigations into the Greek refugee regime by looking closer at two aspects: the migration management at the Greek borders and the Greek asylum process and practice in Athens. The central argument of this study is that Afghan refugees and asylum seekers can be subjected to violent state practices and excessive forms of state power. In the field of migration management the Greek state acts as the sovereign and moves beyond the law in order to re-affirm the legal and political order which has been challenged by the foreign bodies of refugees.

Chapter 1 gives an outline of the methodology the study has relied on and introduces central theoretical perspectives that animated the process of analysis and interpretation. It seeks to increase the transparency of the study and tries to make comprehensible how the knowledge production in this ethnographic research has been pursued.

Chapter 2 critically reflects on the 1951 Refugee Convention and its Protocol. It reveals the scope of the world's refugees and stresses that the vast majority of the people who take exodus remain in developing countries. The chapter underlines that states around the world have become increasingly averse to refugees and try to deflect or block unwanted migration movements. Additionally, it will be emphasised, that as long as the sharp inequalities in today's world remain people will move. As long as the root causes for migration are not tackled, especially western governments must not evade their legal obligation towards refugees which is the only moral ad hoc response.

Chapter 3 offers some background information on Greece's migration history and decisive moments in it. It examines the recent regularization programs, on the basis of which the Greek government has turned a previous illegal immigrant population into a legal one. The chapter further addresses the of question why the regularization programs have not been

fully successful and why the phenomenon of illegality has persisted in Greece until today. The task is to show that the Greek state will need to address the migration phenomenon in more constructive ways especially since the state will depend for economic and demographic reasons on a stable level of net immigration in the future.

Chapter 4 seeks to situate Greece within a larger transnational migration system of the EU. It stresses the increasing inabilities of nation states to control migration movements, which has in turn increased the significance of transnational cooperation in the field of migration. Furthermore, the success of the envisaged harmonization of EU migration management will be questioned and attention will be drawn to diverging national interests, unequal migration challenges, and different policy efforts that persist among EU member states.

Chapter 5 will explore the Greek migration management by looking closer into its border regions. The aim is to shed light on the migration practices and how Greek authorities actually exert their power over refugees. It is argued that the current Greek migration discourse and its inner logic and assumptions provide a footing for roughish state behaviour in the response to migrants and refugees that are generally constructed as threats and dangers. Furthermore, it will be argued that the Greek border regions constitute zones of exception in which any crime against illegal immigrants can be committed with impunity. By showing the increasing application of biometrics in the field of migration it will become clear that the use of disciplinary power in the field of migrations intimately intersects with the use of sovereign power. Besides, the chapter will critically examine the readmission agreement between Greece and Turkey. It seeks to shed light on the formal and informal deportation practices connected to this bilateral agreement. The overall aim is to show how the Greek state constantly overrides national and international laws which provides the basis on which it is argued that exceptionality has become a constant element in the Greek migration management.

Chapter 6 will explore and examine the asylum process and current asylum practice in Athens. It explores the institutionalized practices of asylum and the treatment of applicants in the asylum process. It focuses on the provision of legal aid and the bureaucratic encounters between refugees and lawyers such as other important agents involved in the asylum process. By looking closer at the different stages in the asylum process the unequal distribution of power and stark power asymmetries between the Greek state and asylum

seekers will be revealed. The aim is to further illuminate the power relations between the Greek state and Afghan refugees throughout the asylum process. The chapter concludes by casting some light on the wider social context in which asylum seekers and refugees are generally embedded. This serves the purpose to expose the inhumane consequences of the underdeveloped asylum system and the slow and gruelling bureaucratic processes in Greece.

In sum, this work provides critical perspectives on the way how the Greek state is governing over Afghan refugees and asylum seekers on its territory. It will interpret the ethnographic material through contemporary political and anthropological theories that grapple with question on sovereign power, nation states and transnational processes. It seeks to offer some fresh insights on the configuration and manifestation of power in the relationship between the Greek state and Afghan refugees.

Chapter 1 Methodology

The ethnographer does not, however, translate [cultures like] texts the way the translator does. He must first produce them. Text metaphors for culture and society notwithstanding, the ethnographer has no primary and independent text that can be read and translated by others. No text survives him other than his own.

Crapanzano 1986: 51

Crapanzano's words remind us that ethnographic accounts are always something created and in this sense they are somehow fictional. In anthropology ethnographic accounts constitute primarily representations that correspond fairly with the phenomena of the social world. With *Writing Culture* (1986) anthropologists have started to drop their aspirations for creating holistic accounts (Clifford and Marcus 1986). Contemporary anthropology has embraced multivocality and allows frictions and fragmentations of social realities that are constructed through human encounters and experiences.

The following chapter has three major goals. First it will give some information regarding the research site and how access to informants could be found in the field. Secondly, a brief

outline of the set of methods the ethnographic study has relied on will follow. For this small scale qualitative research, data was gathered in a combination of different methodological tools. The major methods were participant observation, interviews, tape recording of interviews, analysing texts (in the form of academic literature, field notes, different kinds of documents, and statistical data), and also to a small extent photographing. Thirdly, a very short introduction will be given into central theoretical perspectives that animated the analysis and interpretation of the collected ethnographic data. Concepts such as sovereign power, biopolitics and particular forms of state governance have been central in the analysis and have informed the knowledge production and the generation of deeper insights beyond the surface phenomena.

Research Site and Finding Access

It seems to be useful to start with some general information regarding the fieldwork and research site before an outline of the applied methods will be given. The ethnographic fieldwork for this research was carried out in the urban space of Athens for a total period of four months. The fieldwork was split up into two field trips, each period lasting about two months. The first period of fieldwork in Athens started in early September until the mid of November 2011 and the second period of fieldwork started in early February until the end of March 2012. While the ethnographic fieldwork was temporarily restricted, it was nevertheless pursued with the explicit goal of deep immersion into the everyday life of Afghan refugees in Athens and the overall social and political context refugees are embedded in.

At an early stage of the research it turned out that refugees and asylum seekers in Athens often live their lives either in prevailing legal insecurity or in illegality which made researching them challenging.

In order to find access to Afghan refugees and enhance my learning about their experiences and life circumstances, I pursued intensive research in a range of carefully selected locations such as specific NGOs, state institutions or the Greek Orthodox Church. These locations were the critical sights in which my key informants were embedded and ethnographic encounters could naturally take place. It is also worth mentioning that due to safety reasons my research activities were, especially in the beginning, mainly carried out inside of NGOs or

other institutions. Places where immigrants or refugees in Athens usually gather or live are mostly relative dangerous areas with a low level of public security. The police are either not present, seem to tolerate or collaborate with criminal networks that are rampant in several urban areas of Athens. Especially for me as a young female researcher it was simply too dangerous to hang around in public places with a high concentration of immigrants where illegal activities (e.g. drug dealing, drug consumption, prostitution, violent behaviour) were also rampant. Thus for the sake of my own safety, the encounters with Afghan refugees were initially restricted inside of institutions. However, at a later stage, when contacts had been established and going on for a prolonged time, the research encounters with refugees were also extended to the outside, into public spaces or in a few cases also into the private homes of refugees or asylum seekers.

Besides, the access to Afghan refugees was further levelled by my personal engagement in different Greek NGOs supporting refugees or asylum seekers. I volunteered at two local NGOs, *Helping Hands* and *The Greek Council for Refugees* (GCR) where I was responsible for different tasks and activities. My voluntary work in the NGO *Helping Hands* lasted for a period of two months, three times a week. This NGO that supports predominantly Afghan refugees responds to their very basic needs in the form of hot meals, distribution of cloths, shower and laundry facilities, and providing a safe place for social gathering and information exchange. Being a volunteer inside of this NGO immediately gave access to key informants. I could engage in natural conversations as well as in informal observations with refugees and NGO staff. In this way I gleaned views and information about the lives of refugees in Athens. Also the fact that I could often encounter in this NGO the same Afghan refugees on a regular basis has further facilitated the development of closer relationships.

I was also given the chance to volunteer for about two weeks in the *The Greek Council for Refugees* (GCR). The GCR is the only NGO in Greece that exclusively supports asylum seekers and provides free legal assistance and also social and psychological support to them. My main task during these weeks consisted in online-research, which should prove and illuminate the political and social background of particular asylum cases. Besides, I could also observe the everyday encounters between GCR lawyers and asylum applicants and I was given the chance to be present during counselling of refugees and the preparation of asylum interviews.

Furthermore, I participated in a free Greek language course for asylum seekers as well as in a workshop for female asylum seekers in which needlework was produced. Both of these programmes were provided by Doctors of the World (mdm) whose main task consists in providing free primary health care to all marginalized groups, and additionally supply shelter for asylum seekers.

Due to my active involvement in several NGOs and their programmes, both my access to Afghan refugees and asylum seekers was levelled and also access to the staff working in these NGOs. The development of closer relationships not only increased the willingness to participate in my research but also the quality of the interviews. The conversational language was mainly English, while sometimes easier conversations with refugees were pursued in Greek. However, due to the fact that most Afghan refugees only speak Farsi or Dhari conversations with refugees were often only possible with the help of a third person who functioned as an interpreter.

Research Methods

What follows in this section is an outline of the different research methods used in this study. It should be emphasised that throughout the whole research project the aim was to strike a balance between methodological soundness and ethical correctness which are deemed of equal importance. Besides, all contributors of this research have been informed about my research endeavours and have participated on the basis of their free consent. In the following the research method used in this study will be briefly presented and a few words will be added regarding the strengths of the particular method and why the method was considered as an appropriated tool for data collection in the give context.

Once more it should be underscored, that this anthropological research cannot be representative. It draws only on a small number of Afghan refugees and their experiences and also only on a small number of social workers, psychologists, lawyers, associates and community leaders. In all, thirteen interviews were carried out which could be recorded and subsequently transcribed. However, the ethnographic material was further supplemented by a much larger number of informal conversations that were pinned down in the form of field notes and constitute, together with the transcribed interviews, the corpus of data on whose basis analysis was undertaken. The reason for relinquishing larger samples of participants

especially in the respect to Afghan refugees was also owed to the awareness that dense ethnographic data could only be achieved through relationships of trust. Only through trustworthy relationships and a special social sensitivity on the side of the researcher, sharing of difficult experiences can be possible (K. M. DeWalt and B. R. DeWalt 2002:13). Thus the emphasis was rather put on the quality than the quantity of my encounters and relationships with Afghan refugees and asylum seekers.

Despite undeniable weaknesses, it must also be emphasised that this anthropological study has evolved in a large commitment to the matter and above all to the people participated in it. To use James Clifford's words this ethnographic study was incited by ethic and socio-political concerns, and is conducted as an "analysis of past and present practice out of a commitment to future possibilities" (Clifford 1986:3).

Participant Observation

Participant observation is the prime method in anthropology and at its heart lies a deep immersion into a certain mode of life for an extended period of time (Sulka and Robben 2007:2). Also in this study the method of participant observation constituted a central research tool. As a non-extrusive research method it served as an appropriate tool to research among Afghan refugees in Athens who are politically and socially marginalized. Finding access to refugees and gaining their trust was much easier by engaging naturally with them and encountering them in an environment familiar to them like that of NGOs.

Based on direct human encounters in the field, data was collected by informal conversations, informal observations and the direct participation in various activities ranging from common language lessons to having a cup of tea together. Immersing myself into naturalistic settings of refugees' everyday life, the engagement in non-artificial forms of conversations combined with a detailed recoding of such field experience in form of field notes allowed a systematic analysis of the collected data and the formulation of more abstract perspectives on their basis (K. M. DeWalt and B. R. DeWalt 2002:1-4).

The strength of the method is that it can produce very rich and deep knowledge on the basis of the field experience which is extremely dense. While the pinpointed field notes contain only a small fraction of the actual field experience, the anthropologist has conserved in his

memory a much larger contingent of information (in verbal, behavioural, or sensual form) which remains part of the anthropologist's deeper knowledge (Sulka and Robben 2007:8). Ultimately, participant observation is the attempted synthesis of inside subjectivity and outside objectivity, which is achieved by the ethnographer's constant shifting between subjective involvement and objective detachment (ibid:2). Exactly through the connection of these two opposing perspectives ethnographic representations can produce deep insights that allow the revelation of hidden meanings, underlying patterns and the construction of abstracted theories (ibid:6).

Interviews

A further essential tool of knowledge production in this qualitative study provided the method of interviewing. I conducted more or less formal interviews with Afghan refugees, asylum seekers, various NGO staff including volunteers, social workers, psychologists, lawyers, associates or community leaders.

With Afghan refugees and asylum seekers, I engaged predominantly in natural conversations or conducted open-ended interviews. In my encounters with refugees and asylum seekers I naturally engaged in every day conversations with them. Natural conversations are both "a basic mode of human interaction" and an important research method of obtaining knowledge (Kvale 1996: 5). "Through conversations we get to know other people, get to learn about their experiences, feeling, hopes and the world they live in"(ibid). This form of interviewing was chosen as a central research method since it gave refugees the space and confidence to converse freely about those aspects of their experience they wanted to reveal and deemed personally important.

Nevertheless, any form of conversation remains always the interaction between at least two interlocutors. "Neither elaborated narratives, nor one word replies emerge without provocation" (Rapley in Silverman 2006: 112). In order to achieve rich data in such every day conversations with Afghan refugees key competences were above all, attentive listening and giving refugees the necessary space to talk while at the same time raising important questions and also sensitive issues without intimidating the interlocutor too much (Korf 2004: 279). Moreover, interpersonal skills like empathy, compassion or patience were also

central in such encounters and conversational interviews (Wolcott 2005:4; Sulka and Robben 2007:5).

All these skills were of course equally important in the open-ended interviews conducted with Afghan refugees. While also this form of interviewing is rather conversational, it was yet characterised by a higher degree of control by the interviewer in comparison to that in natural conversations. Although questions are still formulated spontaneously, the open ended interview evolves a stronger orientation of a mental framework of certain central questions or core aspects that are of high significance for the research (see Kumar 1996: 109).

Generally, it is to stress that the process of interviewing is always a collaborative act between the interviewer and the interviewee. Only in a common effort a certain body of knowledge and a better understanding of the human experience and different life realities can be constructed (Davies 1999:97-98; Silverman 2006:112).

While I also informally conversed with NGO staff, like social workers, psychologists, lawyers, associates or community leaders I additionally conducted at least one structured or semi-structured interview with each of these informants. The interviews lasted approximately 1 to 1 ½ h. For this purpose a set of pre-formulated questions out of a list of mainly open-ended questions was asked, usually in combination with additional questions that evolved out of the context and could be raised spontaneously. A clear advantage of this interview form was that it provided information on a set of pre-determined questions which makes the subsequent comparison and analysis of the data much easier (see Kumar 1996: 109). A special strength of these interviews was also the production of in depth information on central research questions and that they could be tape-recorded and transcribed. As a consequence this allowed for a different or higher level of analysis and scrutiny which could not be equally reached in other interview forms which were usually not audio-taped and only pinned down in the form of field notes.

However, the content of both the informal interviews, which were subsequently transcribed from memory, and the formal interviews that were recorded and transcribed constitute the material basis of further analytic and interpretive work. In general the material was read and re-read like a text with the explicit effort to discern certain segments or units in the broader

context that can be grouped into general themes. Subsequently these thematic units were further lifted up onto more abstract levels by reductions and condensations. This process of abstraction allowed the discerning of certain patterns or inconsistencies between the different narrations and experiences and the theorization of the ethnographic material (see Thompson 2000:272).

Photographing

As mentioned the research also used and experimented to a small extent with photographing as a visual method. According to Pink, images can also be considered as “visual texts” that can be similarly interpreted and analysed. I sometimes used my own photographs of places or people in Athens in interviews with refugees or NGO staff, in order to generating further descriptions, receiving explanations, or inciting narrations. According to Pink, photographs such as the “experience of producing and discussing them, becomes part of the ethnographic knowledge” and facilitate the production of deeper insights (Pink 2007:21).

Method of Analysis

In subsequent desk based research all collected material was systematically analysed and animated by political and anthropological theories on sovereignty and biopolitics. In order to develop more abstract and theoretical perspectives three steps of analysis were taken. Firstly, interviews and field notes were summarized in textual units and scrutinized for reoccurring and dominant themes. In this process these themes were further generalized and the collected data was proved and increasingly structured around major thematic units. Secondly, a higher level of abstraction was reached by reductions, reformulations and condensation of essential bits contained in the major themes. In a third step, general categories were developed in approximation to existing theories. Since the overarching goal of this study is to explore the relationship between the Greek state and Afghan refugees in terms of power, the analysis was generally guided by a search of manifestations of power or a vacuum of power. Lacking power was measured e.g. in terms of lacking agency, lacking (good) choices, lacking awareness, or lacking of assets (that can have various forms e.g. financial, social or physical). These categories were carried into the collected material to assess and measure the manifestation or lack of power (see Collinson 2003:10-11).

Applied Theoretical Perspectives

In recent years, anthropology made modern states an important object of inquiry and joined long ongoing academic debates on this issue. The new interest in states mainly arises from the recognition of the central role of states in people's live simultaneously to globalization processes. Ethnographic research in this subfield has opened new ways of thinking about states, and provided academia with fresh analyses and new concepts of the modern state in various parts of the world.

The process of analysis was dominantly informed by current anthropological theories on the state, sovereign power, and biopolitics. This section outlines some of those theoretical strands which have significantly informed the process of data analysis and have facilitated the theorization of the ethnographic material.

A point often emphasised is that within an increasingly global and transnational world the nature of states has changed. Also the relationship and power distribution between states as well as the relationship and power distributions between states and individuals have changed. Anthropology and ethnographic research can make contributions by exploring these changes and new configurations of power relations (Shore 2005:235). Also this ethnographic study seeks to explore the relationship between the Greek state and Afghan refugees in terms of power. It finds its footing in the direct experiences of Afghan refugees and asylum seekers. Also in a globalised world states remained political key players who can exert tremendous power. States play a powerful role in all people's life and they intrude into nearly all aspect of our existence (Krohn- Hansen and Nustad 2005: 21, Gupta 1995: 375, Shore 2005:235). This insight provided an important point of departure regarding the theorization of the ethnographic data collected in Athens. A fundamental characteristic of modern western states are their biopolitics. The concept of biopolitics profoundly influenced anthropology and the production of new anthropological theories. The concept was initially developed by Michel Foucault and provided a focal lens also for the analysis of the collected data. Foucault defined biopolitics as the attempt, to turn human life itself into a central political object. Since the 18th century, efforts in Europe have increased to govern subjects' very bodies in most effective political rationality and in order to form the population that is needed. This new form of governmental practice is modelled according to principles of market economy and economic calculation. It aims at gaining maximum results by governing

as little and as least costly as possible (Foucault 2010). With the modern age biopolitics and a new form of governance emerged captured in the concept of governmentality. According to Foucault, governmentality basically describes a domain of relations, in which conduct of subjects is regulated by disciplinary power. This new way of ruling allows to govern bodies and populations with unprecedented rationality and calculation (Foucault 2010).

Foucault has embarked in his work on an inquiry of power and how power works within society. His strategies for analysis regarding this question have clearly influenced the present study into the nature and distribution of power between the Greek state and Afghan refugees. Foucault also carefully studied the various techniques applied by modern states in order to objectify their subjects (Alonso 2005: 28). Based on this coercive power the state fundamentally controls individuals and populations within its territory (Shore 2005: 239). The fact that the state is endowed with the legitimate force to insert or exclude human beings into the political order, provided important perspectives that structured the analysis of the ethnographic data.

While Foucault renders the new mode of governing through disciplinary power distinct from pre-modern, sovereign power that governs with the exertion of archaic violence several contemporary scholars e.g. Thomas B. Hansen, Finn Stepputat or Giorgio Agamben disagree with such a tidy distinction. Recent perspectives and theories have questioned a clear distinction between pre-modern sovereign power and modern disciplinary power (Agamben 1998, Hansen and Stepputat 2005, Alonso 2005:28). Exactly these two concepts of sovereign power and disciplinary power provided indispensable analytic categories in order to structure and analyse the collected ethnographic data.

Hansen and Stepputat, for example, argue in their edited volume *Sovereign Bodies* (2005) that sovereign power in its dire and violent form has never become a relic of the past. They claim that violence “still remains the hard kernel of modern states” and this becomes especially apparent in times of crisis (2005: 1).

Also Agamben rejects in his work *Homo Sacer* (1998) Foucault’s notion of a civilization of modern politics. For Agamben western politics remain traversed by the “absolute and inhuman character of sovereignty” (Agamben 1998:101). According to Agamben sovereign power reached an unprecedented excess in the creation of concentration camps of the last

century. This is the point when biopolitics turned into thanatopolitics, when supreme power is nothing other than the decision on death. Agamben argues that the camp has survived in metamorphoses and has actually become a new and stable element in the political structure of nation states. Moreover, Agamben argues that the most elementary operation of sovereign power is the production of "bare life". Bare life which is embodied in the figure of homo sacer can be exposed to unsanctioned violence and any act committed against bare life no longer appears as a crime. This unsettling theory which derived from an impressive analysis of western political culture since the Ancient Greeks had a strong impact on this ethnographic study. In the analysis Afghan refugees in Greece have been viewed through the focal lens of homo sacer, as a form of life stripped off of fundamental rights and excluded from the political community.

Many commenters have discerned the power to exclude individuals from the political order as a central feature in the governance of modern states. The Greek state clearly refuses to inscribe migrants and also refugees into its political order. This ethnography attempted to shed light on the effects of the political exclusion of Afghan refugees in Athens. Increasing groups of refugees remain despite their physical presence largely excluded from the polis and bear indeed a strong resemblance with the figure of homo sacer.

On the basis of ethnographic inquiries Hansen and Stepputat (2005) arrive at a similar conclusion like Agamben: "the right to exclude and punish "strangers" has become a political common sense, [...] that defines the political frontlines on immigration in Europe "(2005: 11). They suggest that an understanding of sovereignty, which resides in the state or in state institutions must be grounded in an exploration of the de facto practices and exercise of sovereign power within states (ibid:2). Following this advice the ethnographic study was particularly cautious about the de facto state practices in respond to refugees and state violence exercised on refugee's foreign bodies in which sovereign power manifests.

This was a very short introduction into those theoretical perspectives on sovereign power, biopolitics or modern forms of state governance that have informed and animated this anthropological study. Especially the process of data analysis benefited immensely from these theoretical perspectives. In the light of these perspectives the ethnographic material could be viewed in more abstract terms which facilitated the revelation of larger patterns

and central categories in which the relationship between the Greek state and Afghan refugees could be captured.

Chapter 2 Refugees – A Worldwide Phenomenon

A significant feature of our increasingly globalized world is the intensified and accelerated movement of people (Nyers 2006:ix). Better transport systems, the relatively cheap costs for long distance travel and sharp disparities of living conditions between countries have fuelled global migration and lead to relentless growth in the international movement of people (Papademetriou 2011a:1). The reasons why people migrate are broad and diverse. This section will focus on refugees that are a special group of migrants and the reasons why people take exodus. The chapter will open with reflections on the 1951 Refugee Convention and its Protocol. First, it gives an outline of the legal definition of a refugee and it considers the implications of the legal framework for states and refugees. Additionally, it throws some light on the historic process behind the refugee regime. Later, some numbers regarding the scope of the refugee challenge will be provided and the distribution of the world's refugees will be discussed. Besides, the stance on immigration taken by the EU and its member states will be briefly considered. After a call for long-term strategies as the necessary response to global migration challenges, this section will finally close with some perspectives regarding the assets and drawbacks of the current refugee regime.

The group of refugees accounts only for a very small proportion of less than 10 % of global migrants in total (Papademetriou 2011b: 19). The legal definition of a refugee is given by the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, hereafter Refugee Convention. In Article 1 A (2) the term refugee defines a person who,

owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence [...], is unable or, owing to such fear, is unwilling to return to it.

Refugee Convention and its 1967 Protocol, UNHCR 1951

The Refugee Convention and its Protocol is a widely accepted international legal instrument that clearly defines who a refugee is, by ascribing fundamental criteria to this category. The definition sets the standards on which basis it is to decide who deserves international protection and who does not. The Refugee Convention was designed as a remedy against human rights abuse with the intention to protect those individuals, whose own governments fail to protect them or might even be the very source of their persecution (Schmeidl 2001:79; Shuman and Bohmer 2010).

If an individual takes flight from his/her country of origin grounded in the five above mentioned reasons he or she has the right to claim asylum abroad and is eligible to protection by a foreign government. While the Refugee Convention strictly speaking entails the right to claim asylum, the right to grant or reject asylum is solely reserved to governments (Fuglerud 2005; Shuman and Bohmer 2010: 6,7). In other words, the power to decide over asylum claims resides within sovereign states which is a problematic issue. As many authors have underlined, it needs to be acknowledged that international asylum law was carefully designed not to conflict with the sanctity of sovereignty (Chimni 2008; Fuglerud 2005; Shuman and Bohmer 2010). It should be added, that most governments read the Refugee Convention as it would explicitly demand for an element of personal persecution of an individual to be recognized as a refugee (Fuglerud 2005; Nyers 2006; Shuman and Bohmer 2010). Although the qualifying feature of the refugee category remains the lacking protection of one's own government, it is to emphasise that persecution is often only one among several other reasons for exodus. Forced migration is usually provoked by a bunch of heterogeneous factors spanning from poverty, environmental degradation to lacking economic opportunities, generalized violence and persisting conflicts (Koser 2007; Schmeidl 2001; UNHCR 2006). The majority of today's refugees are driven out of their countries of origin by multiple factors (political, social, economic, environmental). The often commonly made distinction between the two categories of a *political refugee* and an *economic migrant* is misleading and must be treated with caution since it constructs a clear-cut line in highly complex and fuzzy realities (Koser 2007; Szmagalska-Follis 2010).

Despite forceful critique of the Refugee Convention in respect to its definitional limitations, its restrictive interpretations, and its contested suitability for contemporary refugee groups, the legal text has remained over 60 years the untouched corner stone of the international

refugee regime. Designed as a response to the European refugee crisis in the aftermath of The Second World War, the Refugee Convention has been firmly anchored in the prevailing European conviction “that control over people’s movement across borders is an inherent and essential component of [...] nation-states”(Fuglerud 2005:302). Certainly borders are in many circumstances essential in order to meet a variety of human needs and cannot be simply regarded as unjust obstacles (Smith 2011:11).

Noteworthy is, that the Refugee Convention was created when western governments were heavily burdened by a moral guilt and national shame; guilt and shame because of the genocide and mass atrocities during the second world war and because of their denial or only lukewarm acceptance of millions of refugees escaping from totalitarian regimes. In order to prevent similar crimes against humanity in future and safeguard individuals from state violence the international community has worked out the 1951 Refugee Convention in a common effort and also launched other revolutionary legal instruments of global scope (e.g. 1945 UN Charter, 1948 the Universal Declaration of Human Rights) (see Ignatieff 2001). The European historic experience was formative for the process of institutionalizing refugee protection. With the 1967 Protocol the refugee protection regime lost its previous geographical and temporal limitations and became truly international(Sainz-Pardo 2002:24). Yet, not all government which have previously accepted the Refugee Convention have subsequently accepted also its Protocol (see e.g. Turkey).

Despite its imperfection the Refugee Convention has remained of great importance regarding today’s refugee challenge. There are no other protection instruments for refugees of similar political weight. International refugee law offers “one remedy for human rights abuses” even though it is a very inefficient method (Shuman and Bohmer 2010:7). In the remainder of this chapter attention will be drawn on the scope of today’s refugee phenomenon and the distribution of refugees within the world.

The Office of the U.N. High Commissioner for Refugees (UNHCR) estimates that at the end of 2010, there were 15.4 million refugees in the world. The category of refugee entails in these statistics those people that are recognized as refugees either by the 1951 Refugee Convention or by the 1969 OAU Convention on Specific Aspects of Refugee Problems in Africa; the number includes also those individuals given subsidiary forms of protection or those who live in refugee-like situations. Among all refugees 10.55 million fell under the

mandate of the UNHCR while 4.82 million Palestinian refugees fell under the mandate of the UNRWA.

On top of the number of refugees, UNHCR registered 837.500 asylum seekers and 27.5 million internally displaced people. The category of asylum seekers includes those people who have applied for asylum and are in the process of status determination (UNHCR 2011a). It is interesting to see that the vast majority of the world's refugees - four-fifth of the total number- that appear in these statistics actually remain in their region of origin and are absorbed mainly by less developed countries (ibid: 2). Thus the statistical data are conflicting with imaginations of surges of refugees flooding western shores - pictures frequently conjured up by the media or by politicians.

In the case of the European Union media attention is also predominantly directed to a few targeted EU entry points that seem to create misleading impressions of rapidly increasing illegal immigration and massive refugee influx into the EU. While certain regions like Malta, Lampedusa, and the Evros region in Greece have faced intensified migration pressure, the entering of large numbers of refugees and illegal immigrants is however locally confined to a few gateways into the EU (Morehouse and Blomfield 2011:11,12). While the number of asylum applicants has increased in several EU members states the total number has remained relatively stable in the past years (see UNHCR 2007). For most EU countries increased immigration is a very recent phenomenon. In the politics and media of EU member states migration looms very large (Papademetriou 2011b:14). The difficulties in accepting immigrants in Europe might be connected to an unfamiliarity of most EU countries with immigration processes (Smith 2011: 3,11).

Disputes over immigration in Europe are running high and many EU countries have retreated to defensive state-policies in order to fence out the economically and culturally undesirable. Also wider EU policies seem to pursue restrictive policies to keep unwanted immigrants at bay. Gregory Feldman outlines in his work *The Migration Apparatus* (2012) how the EU tries to achieve this goal to seal off its territory from unwanted migrants by disparate policies in form of border surveillance, biometric information technology and circular migration programs. The EU migration apparatus has been installed to further consolidate the EU as a sphere of prosperity, reserved for a fading proportion of a few percent of the world's population. EU policy measures try less to rectify the economic inequalities and imbalance

between the global North and the global South, which set large scale migration in motion in the first place. EU policies rather seek to block or divert unwanted migration movements (Feldman 2012).

The predominant focus of EU on migration control mechanism and restless efforts to curb illegal migration into EU territory are directly running counter to the rights of refugees enshrined in the Refugee Convention (signed by all EU member states and adopted into EU legislations) (see Karamanidou and Schuster 2011). The detections of illegal border crossings along the external EU borders are well documented by Frontex. Since 2008 until 2011 the number of detected illegal border crossing has oscillated between 100.000 and 160.000 (Frontex 2012:10). The actual stock of illegal migrants residing in the EU cannot be proved. It is estimated at 1.9-3.8 million for the year 2008. This number is relatively low, viewed in comparison with the United States with an estimate of over 11 million illegal migrants living within US territory in the same year. It needs to be added that the EU population with approximately 500 million people is also of considerably larger scale than that of the United States with approximately 300 million (Morehouse and Blomfield 2011:1).

With recourse to these numbers it becomes obvious, that presentation of illegal immigration into EU territory as a process being out of control is a crude exaggeration of the current developments. Also the number of lodged asylum claims within the EU, reveals that the EU remains still of minor importance as a destination for asylum seekers in a global comparison. All 27 Member states of the affluent EU registered in 2009 247.330 and in 2010 240.410 asylum seekers in total. In 2011 there were 277.370 asylum claims registered, which showed a 15% increase in comparison to the previous year. Since 2008, it was the first time that the total number of asylum application in the EU increased again (UNHCR 2012: 2,7,8). Furthermore, this increase seems to be connected to the social and political upheavals and insurgencies in a number of North African countries during the Arab Spring and is probably less a sign of a lasting trend (Morehouse and Blomfield 2011:11).

Migration movement and refugee movement follow usually similar routes. Refugees frequently travel alongside migrants in so called mixed migration flows. National governments seem to fear that they will attract more illegal immigrants by liberal asylum procedures. But the influx of illegal immigration is probably less influenced by asylum regulations than it is influenced by market demands for unauthorised workers

(Papademetriou 2011a:3). Similarly even if refugee movement can be influenced and deflected by national and transnational legislations and policies it will not be possible to stop refugees in their movement since their reasons for crossing national borders are too serious. Refugee movements remain predominately determined by interstate wars, internal conflicts and oppressive regimes in their countries of origin (Schmeidl 2001:73).

After the attacks of September 11, 2001 and subsequent attacks or attempted attacks in London, Madrid and elsewhere, western governments' security concerns have moved to the top of the political agenda (Papademetriou 2011b:25). As Wendy Brown aptly writes the contemporary time is "featuring capacities for destruction historically unparalleled in their combined potency, miniaturization and mobility, from bodies wired for explosion to nearly invisible biochemical toxins" (Brown 2010:20). In this era, asking where the security threat is seems less appropriate than asking where no security threat is. In respond to these developments, debates on refugees and asylum seekers are often framed in terms of security. Harsh and intolerant treatment of refugees and immigrants, violations of refugee and other human rights have often become justified measures in the cloak of necessary security policies of states.

Another interesting detail revealed by the UNHCR, is that the countries that absorb the largest absolute numbers of refugees are in contrast to common believes not part of the wealthy western world. In 2010 the two top countries were Pakistan with 1.9 million and the Islamic Republic of Iran with 1.1 million refugees within their national boundaries. Besides, Pakistan hosted also the largest relative number of refugees in relation to the size to its economy. In comparison whole Europe hosted at the same time 1.6 million refugees, 300.000 less than Pakistan and only 500 000 more than the Iran (UNHCR 2010:65). Thus an irrefutable fact is that the more prosperous western countries are dealing only with a relatively small fraction of the world's refugees, despite ample resources and higher capacities to socially and economically absorb refugees.

There are no doubts that the arrival of refugees and asylum seekers on a large scale causes at the beginning additional costs to the receiving states –both in economic and social terms. Large scale immigration can challenge the receiving society's sense of identity, and it often exposes the weaknesses in the structure of governance and laws (Papademetriou 2011b:15). The economic and social integration of refugees are simultaneous processes and can only

succeed jointly. However the integration of refugees is usually an intricate affair which success depends largely on smart policies, continual efforts and the receiving government's capacities in social, economic, political and administrative institutions. Integration process that shows infertile does not only affect immigrant groups in terms of marginalization, discrimination and increasing segregation but it also affects the host society negatively by decreasing political and economic stability and by waning social coherence (Papademetriou 2011a:26; Wikan 2002).

A general development is that states- not only in the west but also in the "rest of the world"- have become increasingly averse to refugees and have shown a lack of political will to accept these people (Shuman and Bohmer 2010; UNHCR 2006). Many states recourse in times of increased immigration pressure to highly restrictive asylum policies, conservative interpretations of the Refugee Convention, intensified border control and forced deportations even to countries at war (Fuglerud 2005:296). These rigorous and deeply undemocratic strategies might exclude refugee from political protection and legal entitlements but it cannot put an effective halt to their arrival. Economically and democratically advanced countries cannot turn away refugees and exhort other undesirable migrants to stay at home without serious commitment to long term investments in order to reduce the root causes of their flight (Papademetriou 2011b:33). Refugees have severe reasons, such as serious human rights violations, war and lasting insecurity, internal conflicts and prevailing violence. Refugees are likely to try to reach safe soil almost regardless of the risks entailed to their journey. As mentioned, governments often attempt to shield themselves off from people in desperate need of protection by highly restrictive asylum policies, increased border surveillance, detention camps, forced deportations, bilateral agreements or the construction of new walls. These strategies are unlikely to show the desired effects, such political moves are only likely to undermine essential rights, increase the death toll for flight and produce other unforeseen negative side effects.

It is arguable that at a certain point in the modern era asylum became somehow more understood as an act of charity than a legal obligation (Fassin 2005; Pickering in Fuglerud 2005:302). This is a dangerous misconception and the international community, national governments and in particular prosperous democracies must accept once and for all their

irrefutable responsibilities and moral obligations towards refugees (Pogge 2006:710; Zolberg 2001: 14).

In today's conflict ridden world refugee protection remains of utmost importance and it is the only humane response to people in search of safe heaven. Moral conduct and ethical obligations towards human suffering are central motives in the Refugee Convention and should be embraced by democratically advanced societies. It is worth adding that academic studies have shown "that refugees are less likely to flee from states that infringe on their political and civil rights than from states that threaten their lives" (Schmeidl 2001:81). In the Refugee Convention political and civil rights are prioritized over socio economic rights (Nyers 2006; Sainz-Pardo 2002). Initially, the Convention was overly praised for its universal outlook and its moral grounding. Looking closer at the document, reveals inherent moral inconsistencies whose discussion will be the remaining task in this chapter.

The moral inconsistencies lie above all in the circumstance that political reasons are the only legitimate ones on which grounds a human being deserves international protection (Nyers 2006:51; Pogge 2006). People who take flight and seek refuge in fear of starvation, environmental degradation, or extreme poverty cannot recourse to the Refugee Convention or any other equally powerful international protection regime. The moral tension is striking when we ask the simple question why should our moral and legal obligations towards individuals whose lives are threatened by oppressive regimes be of greater weight than our moral and legal obligations towards individuals whose lives are threatened by malnutrition (Pogge 2006:712)? We should be aware that the annual number of political refugees admitted worldwide dwarfs in comparison to the number of people who remain in desperate need. In our world there are thousands of millions people living and dying in extreme poverty. The plights, the suffering and the perishing of the global poor receive very limited concern and are widely accepted as an unchangeable condition (ibid:711-717). The point I intend to make here is, that there is no reason to regard the alleviation of the suffering of political refugees as morally more important than the suffering of people in desperate need. However, this abstruse moral hierarchy is entrenched in today's international legal frameworks and especially in the current international refugee regime (Nyers 2006:51; ibid 2006:712).

Having pointed out these issues, we should be also aware that accepting political refugees in host societies is actually only a very small contribution. In a way it shows the failure to apply the proclaimed moral standards and human rights in the actual political practice of modern states and the international community. It is to underscore, that beyond the righteous concern over political refugees in its current definition there should be at the same time a sincere concern for the world's poor. Alongside to the protection of refugees, governments and the international community should pursue long term measures to reduce worldwide poverty, violent conflicts, and the large-scale suffering in the world. Only by combating the world's structural and economic imbalance the underlying causes for unwanted migration and large scale exodus can be reduced (Papademetriou 2011b:33; Pogge 2006:713-715; Zolberg and Benda 2001). Large scale population movements in general are mainly driven by instability, weak governance, protracted conflicts, persisting and sharp declines in economic opportunities and impoverishment of large proportions of society. The political, economic and social conditions in migration source countries are of much more significant than the characteristics of the receiving countries (UNHCR 2006:17). Hence, to reduce unwanted migration in the long term the only effective strategy will be to tackle the root causes of it. Such long term strategies must entail the reduction of inequalities between countries; combating extreme poverty, creating better living conditions and establishing new and more rewarding job opportunities in less developed parts of the world. This cannot be achieved without restructuring our entire global economy, sharing the world's resources more equally and facilitating worldwide democratization. Many scholars have argued that this is the only route to effectively alleviate the world's suffering and curb unwanted population movements in the long term (Nyers 2006; Papademetriou 2011b; Pogge 2006; Zolberg and Benda 2001). The ambition of these goals is certainly high, yet they are not unachievable. Also in a pure economic logic, due to a shrinking population the economic and political supremacy of the west will not be sustainable in future and the highly unequal distribution of the world's resources will also destabilize the peace in the developed world.

Yet, as long as these sharp inequalities on a global scale have not been reduced, the acceptance of refugees must be fully accepted as an undeniable responsibility for governments, especially in the more affluent parts of the world. Despite its limited scope the Refugee Convention is an important political contribution. Especially prosperous democracies such as the European States or the US must finally accept their obligations

towards refugees in need of protection. Only if the refugee regime is respected by governments of the world, especially of those of more prosperous and more powerful states, the legal instrument will remain of political weight for the international community (Hindness 2005:245). Instead of changing the Refugee Convention which I personally believe would only weaken its international acceptance and cause more harm than do any good, I advocate for additional international laws that could improve and compliment the imperfect refugee regime with its very limited scope. Yet all these measures are more or less preliminary solutions that must not gloss over the pressing need to reduce the global economic imbalance and structural inequalities.

One special value of the Refugee Convention might be visible once it is conceived as an incentive in order to fight for more liberal rights and more equality within one's own society. Viewed in the light of a safety guarantee for individuals that seek to defend their liberties the Convention might promote the internal struggle for more justice in societies and encourage standing up for one's rights. In this way the conventional refugee status appears as a kind of reward for the heroism of freedom fighters that are important agents in the internal democratisation process (Nyers 2006:50-51).

Chapter 3 Immigration towards Greece and its Implications

Migration histories of countries and people differ widely. Today, migration seems to affect all countries of the world and has come to touch the lives of nearly all people. Regarding Greece, until fairly recently it has been nearly unaffected by immigration in a large scale. However, in the past years immigration processes had significant impacts on the country, and have changed its social constitution considerably. The following account will provide some glimpses on decisive moments in Greece's migration history. The initial focus is set on the regularization programs through which the Greek government converted a previously illegal migrant population into a legal one. This background will give the foundation on which the success and shortcomings of the Greek migration management can be discussed. Further aspects that will be explored are the persisting phenomenon of illegality, the particular structure of the Greek economy and the demographic development of the country. The chapter concludes with some critical perspectives on the Greek Orthodox Church in the

context of migration and an attempt to frame the recent immigration processes in Greece less in national and more in global terms.

Migration in the Past and Present, Impacts and Recent Political Response

When I first came to Greece I had this feeling and I thought that this could be my second or third homeland. I say second or third because I have lived for many years in Pakistan. There I felt very much at home. However here in Greece it is completely different. [...] The Greeks don't see the refugees as equal to them, sometimes even not as full human beings. This is why you can never feel at home and you can never fully integrate. I have tried so hard, I have learned the language fluently, I went to school. I have been studying and working here. I have been living with Greeks for so many years but it is not permitted to become one of them – *impossible!*

Actually I think the problem is the lack of experience of the Greek society with others or outsiders. They have no experience with migrants and they are not open to them. They fear of their country. They don't like it that you are here, that you are among them. You come from outside, and they feel superior. You will never be one of them - you will never be on the same level with them - and this is the whole problem.

Interview with Jaheed, Afghan asylum seeker, March 22, 2012

These are the words of Jaheed, an Afghan asylum seeker in his late 20s who has been living for more than ten years in Greece. A lot of disappointment and grievance seem to be contained in these words. Until the time of writing Jaheed's asylum claim has remained undecided. Listening to Jaheed's full story, it is impressive how much this strong-willed man has achieved in spite of all the obstacles and difficulties in his way. After more than a decade amidst Greeks his memory carries clear imprints in negative form such as the experience of animosity, being undesired, and being looked down upon. In Jaheed's reflections one might get a sense of how it feels to live as an Afghan refugee in Greece. The explanation provided by the young and educated men why Greece has such severe difficulties to come to terms with the increasing presence of immigrants and why Greeks cannot easily accept the social and cultural changes entailed to migration, deserves to be taken seriously.

A glimpse at Greece migration history will reveal that Jaheed's statement about the lacking experience with immigrants holds a certain truth. Since independence in the late 1820s, Greece has been most of the time, a country of emigration. This changed only in the

beginning of the 1990s, where the number of migrants increased drastically. Since that time Greece has become an undeclared but de-facto immigration country and can register at least three decades of net migration inflow (European Commission 2008: 4,5).

The persistent arrival of immigrants since the 1990s induced a relative fast and significant shift in the composition of the population. Referring to national census data, Jutta Lauth Bacas (2010) shows that in 1991 the percentage of foreigners was about 1% while a decade later in 2001 the percentage of foreigners has risen to 7%. She estimates that in 2010, approximately 10% of the total population are foreigners (Lauth Bacas 2010:149). Greece is a country with about 11.3 million people in total. Similarly, Anna Triandafyllidou and Michaela Marouf (2009) state, that nowadays about 10% of the Greek population, are immigrants. Triandafyllidou and Marouf provide a second estimate at 900.000 immigrants. In this number those immigrants of Greek ethnic origin are excluded (Triandafyllidou and Marouf 2009: 17).

The fact is that in the early 1990s Greece turned from a migration sender to a migration receiver country. For a relative small country with 11.3 million people these demographic changes have profound social, economic and political implications. As mentioned, Greece was previous mainly affected by emigration. In 1850-1908 about 800 000 Greeks have left the country. After the post-war period, and a destructive civil war in 1946-49, nearly 1 million Greeks emigrated since 1945-73, due to poverty, high unemployment and political repression.

Greece migration turnaround in the 1990s was connected to dramatic political and social transformations in Europe at that time. The collapse of the Soviet Union and the disintegration of the former Republic of Yugoslavia displaced millions of people which in corollary rapidly increased the migration influx towards Greece. Besides, Greece's steadily growing economy was also a significant factor in Greece's changing role from a sender to a receiver of migrants (A. C. Danopoulos and C. P. Danopoulos 2004: 100-102). Greece's fast economic progress throughout more than two decades was possible through massive EU aid in form of infrastructural spending (at about 3 billion € annually until 2006), available since 1981 when Greece joined the EU (A. C. Danopoulos and C. P. Danopoulos 2004; Fakiolas 2003:2). The overwhelming majority of the newcomers during the 1990s arrived illegally in Greece and were Albanian nationals. The geographic proximity, significant wage disparities

and abhorrent economic and social conditions in Albania explain why so many Albanians left for Greece (Danopoulos and Danopoulos 2004: 103). The second largest ethnic group among Greece immigrants are Bulgarians yet comprising a much smaller share of the total immigration population compared to Albanians (Triandafyllidou and Maroufof 2009: 17).

On the other side, the clear demand by the Greek economy for a bigger labour force has significantly facilitated these migration movements. Although most of the immigrants entered the country illegally and there has been never an official recruitment program by the Greek government, the migrants were instantly absorbed by the Greek labour market - despite lacking residence permits or official contracts (Lauth Bacas 2010). The immigrants were mainly inserted into the construction and agricultural sector and other low paying jobs which suffered from labour shortages. Since the Greek government was devoid of a legislative frame for migration management and the Greek economy simultaneously demanded a larger labour force, illegal immigration and illegal hiring became the standard (European Commission 2008; Lauth Bacas 2010).

The Greek state seemed to be caught unprepared to deal with the rising levels of immigrants and did not do much against the political and economic nexus producing illegality. The first law on immigration was passed in the early 1990s (that has remained in force until 2001) focusing mainly on the restriction of immigration and expulsion of illegal migrants (A. C. Danopoulos and C. P. Danopoulos 2004: 113; Triandafyllidou and Maroufof 2009:34). In the mid 1990s the number of migrants residing and working illegally in the country has been estimated at half a million. The common phenomenon of illegality has not been addressed in a sound way until the end of the 1990s (European Commission 2008:6). In 1998 the Greek government implemented its first regularization program by which illegally residing immigrants could gain a limited stay and work permit under specific requirements (valid passport, proof of stable employment, continuous residence for at least 12 months). This first regularization procedure was only of very limited effectiveness, and led to a new immigration law in 2001, providing a second opportunity for regularization. A third program followed in 2005 (European Commission 2008; Lauth Bacas 2010). More than half a million foreign workers and their families could gain valid residence and work permits in these regularization programs (Tzioukas in Lauth Bacas 2010:151). About 70% of the total immigration population who could legalize their stay in these programs were Albanians

(Lauth Bacas 2010:151). Today Albanians are more likely to reside legally than illegally in Greece (European Commission 2008:22). Other major countries of origin in these regularizations are Ukraine, Pakistan, Georgia, Egypt, Russia, India, Moldavia and Philippines (ordered according to declining percentage of the total share). Hence, the Greek state has granted legal status to a large percentage of an initially illegal residing immigrant population through three regularization programs in 1998, 2001, and 2005 (Lauth Bacas 2010:151). This legal transformation which followed a political decision clearly shows the state's coercive power to incorporate a certain group of foreigners - in this case labour migrants- into its political community.

Surely, the legalization of the unauthorized labour migrants intersected with certain state interests. Once legalized, the foreign workers paid taxes and contributed substantially to the ailing social security fund which needed to be propped up (European Commission 2008:31; Lauth Bacas 2010:155). Lauth Bacas (2010) describes it as a win-win situation between immigrants and the Greek state, the first gaining more rights and a better social security, while the latter increased the number of contributors to the social security funds, increased tax revenues and introduced more equality and fairer competition in the labour market (Lauth Bacas 2010:155). Besides these positive effects, the regularization procedures are also marked by several flaws. A crucial problem is that post 2005, illegal residing immigrants cannot apply for regularization outside of a new regularization program, even if they fulfil the necessary requirements (European Commission 2008:13). Additionally, the regularization was connected with considerable costs for immigrants (about 150€ for 1 year permit, and 300€, 450€ for 2 and 3 year permits). The fee was not redeemed in case an applicant failed in the process. The relative high cost and the risk of paying the fee without obtaining the permit might have deterred a considerable number of immigrants that decided as a consequence to remain illegally (European Commission 2008:17; Fakiolas 2003:4). Other immigrants could simply not fulfil the necessary requirements. In general the whole administrative process was opaque, very time consuming and due to a shortage of staff extremely slow (European Commission 2008:27). It was not unusual that immigrants received their permit after it had already expired and immigrants where applying for renewal before they obtained the permit. This produced a grey zone of semi-legality among immigrants (Triandafyllidou and Maroufouf 2009: 37). The bureaucratic practice in the regularization programs seems to epitomize the essence of Greek bureaucracy. Ineffective

management and shortages in skilled personnel seems to be deep rooted problems of the Greek state and its administrative apparatus. On top of everything, there is this puzzling phenomenon that regularized migrants have fallen back into illegality. The reason behind this perplexing return to illegality - involuntarily or voluntarily - has not been explored yet. Considering all these aspects, the clear success of these regularization programs must be contested (European Commission 2008:27). Also Lauth Bacas (2010) underscores a point of friction in these regularization processes which deserves closer consideration. Bacas speaks of a bias of the regularization in favour of applicants who had identification documents. The result was that large numbers of foreign workers from Pakistan (19.300), India (13.500), or Philippines (11.000) with valid passports succeeded in gaining legal residence permits, while other non-European migrants who arrived without documents were illegible for regularization and have been trapped in illegality ever since (Lauth Bacas 2010:151,161). In this process only a person who possessed an official document was granted social and political rights. People without identifying documents, were denied the chance to re-establish a political identity and re-gain the rights attached to it. Next to the power of inclusion the state has equally the power of exclusion. Only the prerequisite of a valid passport allowed for the Greek state's favourable treatment. It seems that people without identification challenge the national order and constitute disquieting figures for states. Individuals without identification papers break the continuity between birth and nation, and cut the link between man and citizen, which are the fundamental categories on which the state order is based on (Agamben 1998:131,134). Also the majority of Afghan refugees seem to belong to this disquieting and subversive class since they often arrive without passports in Greece. Some of them never had documents, or their passports were kept by smugglers, they might have left their passports behind in the rush, or they destroyed them in order to conceal their identity rather than to reveal it. In any case once lost, it is extremely difficult to reclaim a political identity, and to regain political relevancy in a state and its society. It is as paperless people had effectively lost their identities, when they crossed the border into foreign sovereign space. Only the state, not the human being concerned, is empowered to decide if one can regain a political status or if the individual will be politically effaced (Browne in Feldman 2012:128).

The production of a political identity is generated by the bureaucratic apparatus and depends on a preceding political decision of a state. As Michael Herzfeld (1992) has shown,

the basic function of bureaucracy is the generation of taxonomies in order to act upon them. In this form of organization people are also grouped into different categories that are aligned with certain rights (see Herzfeld 1992). After knowing Jaheed for a while it became obvious that he has somehow been crushed by the slowly turning clogs of the Greek bureaucratic machinery. In a strange mixture of rebellion and surrender he comes to an excruciating realisation about this liminal state he has been kept for more than a decade.

I still haven't received any answer regarding my asylum claim. Actually I am very tired of it, somehow I don't even care anymore, if they accept me or not. I tried... I have the right, but they don't respect it. I don't need these papers, *without papers I exist too, I only don't exist in their bureaucratic system*, but I don't care anymore.

If they want, they can send me back to Afghanistan, I know if they want they can even kill me. They could do anything to me, take everything from me. Somehow they have taken my life for 11 years. If you have authority, you can do anything - this is the worst thing.

Interview with Jaheed, Afghan asylum seeker, March 22, 2012

Only through bureaucratic processes politically effaced people can re-establish a valid identity and be re-inserted into the political community as an officially acknowledged member. Jaheed bluntly enunciates the dire implications for someone who does not exist in the state's official register and in its bureaucratic system. The possession of a positive political identity is an essential safeguard against injustice and violence by the state or other social actors. A legal status can protect the human body from excessive state power and the state's ability to kill with impunity. The human body as a site of sovereign power leads straight to the figure of homo sacer that was thoroughly analysed by Agamben. Illegal migrants and refugees seem to bear great resemblance with the figure of homo sacer, or the bare life that is excluded from the normal political order. Bare life is stripped off of every political status. It dwells in the threshold between nature and politics, natural and political life and it can be killed with impunity (Agamben 1998). The point to stress is that only states can link the bare life in a human body with an ascribed political status. By this political act the human being is inserted into the normal political order of the state. Human beings who came to inhabit the obscure space outside the normal juridical order find themselves in a zone of exception in which no act committed against them appears any longer as a crime (ibid:171). The following chapters of this work will reveal based on various ethnographic

accounts that Agamben's gloomy outlook is actually very much a reality in Greek migration politics and practice.

The discussion so far has shown that Greece's regularisation programs even though combined with a policy of expulsion could not solve the problem of illegality. It has also shown that Greek migration management has suffered from its onset on from a lack of distinctive, coherent and comprehensive strategies. Furthermore, the implementation of the regularization programs was severely impaired by a highly ineffective bureaucratic apparatus. Greece's migration challenge has not yet abated. While in the past the illegal immigrant population was dominated by Albanian nationals, today its composition seems to be more mixed. Many NGO workers in Athens have stressed that since the beginning of the 21st century, the number of migrants from the Middle East, Asia and Africa has increased. Since then also the migration routes have changed and the main pathway runs nowadays from Turkey to Greece. Also official reports are in line with the assessments made by NGOs (see European Commission 2008; see Frontex 2011).

Persisting Illegality of Immigrants and the Demographic Gap

A major reason why illegal immigration to Greece has persisted is connected to a malfunctioning visa system that largely blocks legal entry to Greece. Thus the majority of immigrants enter the country illegally. Once arrived, they cannot regularize their stay and they cannot work legally. In order to survive they enter the shadow economy and get involved in all kind of black labour, sometimes also in criminal activities (European Commission 2008:23; Lauth Bacas 2010:156). These structures also pave the way for the exploitation of these people who lack an official status. Employers usually belong to those who profit from such a context. Those who hire illegally make double gains since they pay reduced salaries to the illegal labourer and they can drop security payments, which otherwise would have to be paid. Also the majority of Afghan asylum seekers who actually have the right to legal employment are mostly engaged in Greece's shadow economy.

I met a very nice teacher and he could help me to find a job in construction. It was a small company. The teacher accompanied me there. I remember - I had *everything* with me: all the necessary documents, like the work permit, medical

and language certificate, the pink card and so on.... However they did not want the papers, but they gave me the job. Without a contract but I took it.

Interview with Ghafour, Afghan asylum seeker, February 27, 2012

Although Ghafour, a young Afghan male, could present all the necessary documents and although he could get legally employed, he ended up disappointed. Even the social connections to locals, a good level in Greek and all necessary papers did not lead to a legal job. In fact, not a single Afghan asylum seeker I interviewed during my research was legally employed. Furthermore, the NGOs with job placement programs lamented the great difficulty of such a task. Some NGO workers have stressed that “until the 2004 Olympic Games it was still relatively easy to get immigrants a job, but the employment situation has worsened soon afterwards. And the economic crisis hit migrants even harder than Greeks” (Interview with Christina Ziakas, social worker at YRE, September 14, 2011).

The Greek economy grew steadily until the end of 2000. With the Olympic Games in 2004, the demand of cheap labour ran high due to the infrastructural upgrading of Athens that had to be completed on time. Since 2009 the Greek economy went into recession and has spiralled into a persisting economic downturn. Greece has always had a relatively large illicit economy. It is estimated to be twice the size of most northern EU countries, whose illicit economy is put at 12-15% of the total economy (Fakiolas 2003:1). In short, the growing presence of illegal immigrants in Greece is on the one hand the result of the very structure of the Greek economy and on the other hand the result of shortcomings in Greek migration policies. The stock of those people who arrive and reside illegally in Greece is difficult to estimate. The following paragraph provides some estimates by different authors regarding this issue. According to Triandafyllidou (2005) in the year 2004 the number of illegal migrants in Greece was around 300.000 (Triandafyllidou in European Commission 2008:50). In the European research Clandestino (2008) the stock of illegal migrants is estimated at 280.446 for the end of 2007 (European Commission 2008:54). Following an estimate provided by Thanos Maroukis (2012) the number of illegal immigrants is at 350.000 for 2010 and 390.000 for 2011. In opposition to the other estimates, Maroukis` calculations take also those migrants into account who will lose their stay permit and fall back into illegality. He claims that in 2010 20.000 and in 2011 62.411 immigrants will not renew their stay permits and laps back into illegality (Maroukis 2012).

Immigration has become a hotly discussed issue and the central topic of public and political debates in Greece. Immigrants are framed or equated with criminals and are often blamed for the severity of Greece's economic problems. The new government has promised to respond with the necessary force to combat illegal migration. New detention centres were built close to Athens, and they are getting filled up with the many illegal immigrants the police regularly round up from the city centre. At the beginning of August 2012 the country launched one of its largest sweep-operation against illegal migrants. Only in Athens 4.500 police men were deployed to hunt down illegal immigrants. In less than 72 hours 7.000 immigrants without sufficient documentation were caught and detained. About 2.000 of them are kept under arrest and the government went over to forcefully return some of those people who were recently detained (The Guardian 2012).

There is little chance for Greece to solve its problems connected with illegal migration by such radical, costly, and authoritarian methods. Once illegal immigrants become expelled from Greek to Turkish territory (a practice based on a bilateral agreement since 2001) migrants often simply slip back to the Greek side due to highly porous borders. The recent large-scale sweep operations are not only inefficient and costly but they are likely to further fuel xenophobia and racism in the country. Such spectacular and threatening performances of state-power are according to Wendy Brown (2010) the state's attempt to disguise a sovereign power which is in fact waning. Globalisation, which unleashed uncontrollable forces, weakened the state's abilities to control borders and contain the nation (Brown 2010). However public discourse in Greece seems not interested to disentangle the wider connections that play a role in the current migration processes. An important fact that is left unsaid in the current migration discourse is that the Greek state needs to fill a gap in its national demography. The country's population growth rate is close to zero, and it has a rapidly aging population. Due to the economic crisis youth emigration set on, which further weakens the country's active labour force. In this context Greece is actually in need of immigrants and the productive powers of migrant workers will be indispensable in order to secure the functioning of the Greek state (Fakiolas 2003). The Greek government will have to establish a legal framework in which immigrants can be legally incorporated into the Greek society. Certainly the state needs to apply more constructive strategies in the field of migration entailing also policies in which illegal immigrants can obtain residence rights and get the chance to become part of the Greek nationhood (Lauth Bacas 2010:156).

Nationalist Ideology and Global Connections of Migration Processes

Greek politics and the Greek society seem to have severe problems adjusting to the global processes that arrive at the country's doorstep. Immigration and other global and transnational processes seem to have fostered an omnipresent fear that the persisting immigration processes will dissolve or contaminate the Greek nation. Discourse about immigration in Greece displays a distorting openness to extreme measures "in defence of the migration threat". The voices of those who state, that illegal migration in Greece must be answered with tighter border controls, massive detention, expulsion or other militant strategies are numerous and powerful. Such pathways are however not only suggested by radicals but also the highly influential Greek Orthodox Church is inclined to more radical measures in the field of immigration (A. C. Danopoulos and C. P. Danopoulos 2004:114). It is to stress that the Greek Orthodox Church has a very strong infiltrating power on the Greek society and it is a key agent in the production of the Greek national identity and national consciousness (Chrysoloras 2004; Karakasidou 2002: 182,183). The Orthodox Church still constructs the Greek nation as homogeneous and pure. It infuses the Greek society with an ideology of cultural, linguistic and religious homogeneity. The Orthodox Church plays also a central role in commemorating days, national holidays and religious feasts that are important events for every Greek and evoke strong patriotic feelings as well as a clear identification with the Greek nation (Chrysoloras 2004; Karakasidou 2002:178). This national ideology does not only hamper the integration of foreigners but it gives rise to a hyper-patriotism and also seems to over-determine xenophobia. The Greek Orthodox Church has always been the carrier and preserver of the cultural legacy of the Greek people. The Greek population, moreover, seems to be held together by an alleged superiority of its cultural traits (Karakasidou 2002: 184). Also Jaheed seem to have referred to this feeling of superiority in his initial statement. The Greek Orthodox Church and its ideology have tremendous influences on the Greek society but also on Greek politics and should not be underestimated in its mind programming power.

As a final remark it is to stress that many migrants are forced to relocate due to economic and political forces that have destroyed domestic economies, natural environments or have produce wars, protracted conflicts and political chaos. Greece is part of the European Union which plays an important role in the global economy and hence, also in the production of

violence, poverty and insecurity in our increasingly shared world. Talking about an “immigration crisis in Greece”, which is a label used in Greek or European discourse seems to be a hegemonic strategy to externalize the process, instead of locating the phenomenon of migration into a larger system of relations to which Greece and the EU themselves belong (Feldman 2012:86). It seems that Greece must learn to accept the social change entailed to population movements and finally deal with the phenomenon of migration in more constructive ways.

Chapter 4 Migration Policies and their Manifestations on Transnational and National Level

When Afghan refugees arrive here in Greece the problem is there is no system, there is no support, no information, nothing. Most of them arrive illegally, often by smugglers. Once caught by the police or border guards they are arrested or put into detention centres. Most of the detention centres are in appalling conditions – they are overcrowded, there are no proper sanitary facilities, awful hygiene, no medical care, no translators, only police.

Interview with Yunos Daktar, leader of the ARCA, March 12, 2012

A major problem is that Greece has been lacking the institutional and political infrastructure to deal in responsible and ethical form with migration movements. Like in most other southern European countries, Greece’s migration regime and immigration controls have been far less developed compared to northern European countries (Triandafyllidou and Maroufou 2009). However, what is described in Greek news and TV programs as the “lost control” over immigration movements is more an exaggeration than a reflection of reality. Today, most nation states seem to suffer from increasing difficulties or lacking abilities to contain and control migration movements. Effective migration management seems to require nowadays cooperation and coordination between receiving and sending states (Brown 2010; Feldman 2012; Weil 2006). For this reason, also the EU and its member states have increased their transnational cooperation and common efforts on immigration within and also far beyond EU territory. Gregory Feldman’s pronouncement that the EU has created a space in which migrants are “dealing with the combined forces of EU member

states rather than anyone of them alone” should give rise for some scepticism and sounds especially in respect to the research findings in Greece rather inaccurate (Feldman 2012:62,63).

This chapter will provide some reflections on the role of nation states in respect to transnational migration processes. The task is to emphasise two interrelated points: on the one hand, states remain powerful actors in the field of migration, and the other hand, states have become increasingly unable to contain and control migration by national efforts. The discussion will highlight the increasing importance of transnational cooperation in migration management and look at the current efforts and policies the EU and its member states have made in this respect. The aim is to situate Greece within a larger EU migration system and show that diverging national interests and disparate policy efforts and policy success persist within the transnational union. Additionally it will be show that these differences in migration policies between EU states and also unexpected policy side effects can create tensions within the EU and obstruct the envisaged harmonization and common migration policy. In the previously chapter the scope of the illegal migrant population residing in Greece was discussed. This chapter will draw attention to the scope of illegal migrants crossing Greek borders without authorization. The chapter concludes by problematising the Greek government’s reluctance for policies that could transform illegal immigrants into legal ones in respect to the Greek state’s heavy dependence on immigrants in future.

Gregory Feldman (2012) argues in his non local ethnography *The Migration Apparatus* that a device or an apparatus of transnational migration management has emerged within the EU. This migration apparatus is composed of various and disparate parts. It significantly regulates channels and controls the cross border movement of people. One of Feldman’s central arguments is that previously unconnected national migration management systems are increasingly integrating within one larger transnational apparatus and that the EU migration management is moving towards an overall convergence (Feldman 2012).

It cannot be denied, that on a migration policy level the EU has been moving eagerly towards common standards and increasing convergence. Yet, I disagree with the notion of a relatively smoothly operating transnational system of migration management in the EU, that could channel and control human cross border movements in systematic ways and minimizes unwanted circulation of migrants, as it is argued by Feldman. The task here is to show that

Feldman ignores the fact that these policy structures have not yet manifested on (all) the grounds of the 27 EU member states. Glimpses into Greek migration management gleaned through this research have shown that large disparities remain particular in areas, e.g. border control, asylum, detention conditions between EU countries as well as the proclaimed EU policy aim and national political outcomes. Not all national migration systems of EU member states seem to work properly, or are in its migration infrastructure equally developed.

Feldman's ethnography is overly concerned with an abstract policy world and the lofty terrain of EU policy making, pursuing the goal that "bodies are circulating in an orderly fashion" on EU terrain (Feldman 2012:20). Feldman's research investigates into the processes and mechanisms of a systematic migration regulation within the EU. In the attempt to grasp analytically how disconnected actors are specifically related in a transnational system Feldman uses the concept of an apparatus, which was originally developed by Michel Foucault. In the Foucauldian sense an apparatus is a mechanisms through which power operates and affects society (Foucault 2006: 542). It has strategic functions and certain key imperatives which form its overall matrix. Foucault defines the apparatus as a

heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, and philanthropic propositions [...].The apparatus is the system of relations, that can be established between these elements.

Foucault 1980:194

Inscribed into a system of power the apparatus aims at the manipulation of relations of forces by directing them in particular ways, or by stabilizing, blocking or utilizing them. As a complex mechanism it issues certain types of knowledge and is simultaneously conditioned by them (Foucault 1980:196). By manipulating relations of forces the apparatus ultimately aims at the domination and control of the society and the maintenance of power (Foucault 2006: 545).

Also Feldman's apparatus is constituted by disparate elements and is structured by very specific relations that hold these scattered elements together. A discerning feature of Feldman's apparatus is its mediative capacity between disconnected actors despite a central authority.

While the EU has made certainly progress towards harmonization in immigration policies, it cannot be denied that several areas that the research in Greece has shown (e.g. asylum, detention standards, legal immigration, border surveillance) remain weak points, where harmonization is minimal and large gaps cleave between de facto national policies and common EU policy goals. The Greek example might be indicative that the EU migration apparatus is traversed by severe tensions and conflicting forces of power originating from various EU member states. For this reason it seems that the formation of a common EU migration management is much less tidy as Feldman has proposed.

Also Patrick Weil stresses that EU member states can find themselves sometimes in direct competition with one another or they produce undesired side effects for each other (e.g. no legal reforms at all, or legalizing all illegal immigrants). The research in Greece seems to support his argument that "immigration remains a subject to unanimity and the [EU] Member States retain a considerable margin of manoeuvre to adopt their policies" of diverging national interests (Weil 2006: 89). Moreover, many scholars have argued for an ungovernability of global and transnational processes including migration movements. Globalisation and its related processes have created dynamism of tensions. The tension arises partly due to a selective legalization and criminalization of transborder flows and is increased by domestic politics that seek to ensure security and order for their national territories (Alonso 2005). However, at a time of historically unparalleled capacities for destruction modern states' ability to guarantee security and protect their population on a given territory, seems to be more a comforting illusion than a political reality (see Brown 2010). Today's world is traversed by diffuse and antagonizing forces that foster, on the one hand a process of deterritorialisation, since modern states source their goods and services for their economies not nationally but globally and they are driven increasingly by neoliberal imperatives. On the other hand, the very same forces foster also a process of reterritorialisation, by which states seek to reassert their power within their territories (Alonso 2005: 29,35; Brown 2010). According to McKeown "flows and borders are often in

tension” and so is the whole global landscape which is structured by flows and barriers, that also divide poorer from richer parts of the world (McKeown 2008:8) . This dynamism of tension seems to have its source in opposing but simultaneously running processes that are deeply entrenched in the liberal mentalities of governments. The inherent tensions and discrepancies in liberal values often materialize at the exclusion of some groups of the world from participating which resonates also in tensions between states and individuals e.g. refugees (McKeown 2008).

It is important to recognize that also Greece is affected by a dynamism of various tensions. For example the country is located at the south-eastern external EU border. Viewed on the global map it is a point where a dividing line runs between safe EU space, an economically privileged and prosperous sphere versus poorer, politically less stable countries, with less economic opportunities and less liberties or social justice. These inequalities are impulses for immigration movements towards Greece which constitutes an important entry point into the EU. All this shows that the implementation of immigration policies depends also within the EU first and foremost on the member states. Hence, nation states remain crucial players in the transnational movement of people and its management (Bislev 2004; Sharma and Gupta 2006a).

It is interesting to note, that illegal immigration seems to affect countries relatively independently of their specific immigration policies. Moreover, immigration processes seem to persist also in times of economic insecurity – this seems to hold particularly true for Greece (Fakiolas 2003:1). States are not overly powerful and it must be also stressed “that even the richest nations in the world are unable to contain and control these movements” (Hansen and Stepputat 2005: 18).

In the last years the Greek state has encountered severe difficulties to guard and control its national borders. This has several reasons. It is not due to an increase of the overall number of illegal immigrants into the EU. Many of my interview partners have stressed that Greece’s special geographic features and particular position make it especially difficult or even impossible to secure and control the country’s borders. Mrs. Ziaka from *Youth against Racism in Europe* (YRE) for example gives a clear picture of Greece’s geographic situation and the challenges arising from it.

First of all Greece is located between Europe and Asia Minor and for many different migrants throughout the world it is one of the most important gates into Europe. It has more than 15.000 km coastline and more than 2.000 islands - some of them are only a few hundred meters away from Turkish mainland. Considering all this it becomes clear, that the police or border guards cannot successfully control the borders. In the past years increasing numbers of migrants entered Greece illegally over sea and stranded mostly on the islands in the Aegean Sea. Yet, we see in a recent trend a shift away from the sea borders. This started approximately two years ago, well it seems that more and more people choose to enter Greece over land at the Greek Turkish border where the river Evros needs to be crossed. Of course both of the paths bear high risks: People get missing, many drown in the waters, nobody knows how many have already lost their lives.

Interview with Christina Ziaka, social worker at YRE, September 14, 2011

Mrs. Ziaka makes it clear that diverse migration flows originating in different parts of the world bundle up in Greece which has turned into a central entry point for migrants and refugees heading towards the EU. The Greek state's gate keeping operations have largely proved futile and are likely to fail also in future.

It is important to note, that while other pressure points (e.g. Spain or Italy) of the EU have shifted, Greece has remained for several years a major entry point for illegal immigration, irrespectively of its shrinking economy (Morehouse and Blomfield 2011:11). While the number of undetected immigrants is hard to estimate, the numbers of detected migrants, available in public reports and often quoted by Greek politicians in front of running TV cameras can give some reference points. According to Frontex the overall detections of illegal border crossings over the external EU borders have since 2008 until 2011 oscillated between 100.000 and 160.000 (Frontex 2011: 9).

Greece, a relatively small and poor country within the EU, became in 2008, the main gateway for illegal immigrants. The number of detected illegal border crossings into Greece has increased again in 2009 from previously 50% to 75% of the EU total (Frontex 2010a:12). Illegal immigration into Greece reached its peak in October 2010, where it accounted "for 90% of all detections of illegal border crossings to the EU"(Frontex 2010b). As Mrs. Ziaka mentioned, the inflows of illegal migrants have notable shifted in the past years from Greece's sea borders to the Greek-Turkish land border. Apprehensions at the land border increased from 10 % in 2008 to over 35 % in 2010. In the same period the number of

apprehensions at the maritime borders in the Aegean Sea fell by 2010 under 5%, hinting at a continuous trend towards the entrance route over land (Kasimis 2012).

An interesting detail in this context is also the fact that the land border with Turkey is actually Greece's shortest border stretch. Yet, in 2010 entire 47.706 detections were reported in this region by Greek authorities, marking a new peak of illegal border crossing in the EU. For comparative purpose previous peaks climaxed at 30.000 detections in 2006 at the Canary Islands or at around 30.300 in 2008 on Lampedusa (Frontex 2011: 14). These numbers clearly show that illegal immigration towards Greece has persisted during the last years despite the EU and the national Greek policy aim to curb undesired inflows. The deliberate interventions of the Greek state and cooperative efforts of the EU could not prevent illegal migrants from coming.

Due to Greece difficulties or inabilities to keep unwanted migrants and refugees at bay, Frontex intervened in 2010 for the first time in EU history by sending its Rapid Border Intervention Team (RABIT) into Greek borderland. From November 2010 until March 2011 a total of 191 officers of several EU member states were deployed to re-establish control over the Greek borders (Frontex 2011:16).The Frontex joint operations and increasingly aggressive policing practices in Greek border areas and Greek national maritime zones might indicate an increasing militarized approach in order to keep unwanted migrants out of Greece and EU space. Such aggressive policies are according to Rosas an attempt to restore an injured state sovereignty (Rosas 2006) .The largely unsuccessful struggle against undesired immigrants in Greece, further indicates that EU cooperation on border surveillance is unsuccessful.

Immigration towards Greece flows predominantly through illegal channels due to the government's failure to open up alternative circuits through which migrants could legally enter the country. Legal avenues for non European migrants into Greece are both, malfunctioning and extremely narrow (European Commission 2008: 13).Considering these aspects, it seems to reveal that Greece's administrative and legal structures that are linked to the management and regularization of migration remain lacking - or at least under-developed. This underlines Greece's lethargic manner regarding the implementation of important policy measures. It also shows that in fact EU member states progress with very

different pace with the task to create necessary structures in order to manage migration effectively and ethically on a national and EU level.

Summing up, it can be concluded that EU member states and their national governments are differently challenged by immigration and respond with very different strategies, varying degrees of political engagement and success in the field of migration. Greece at the EU's southern margin seems to be particularly challenged by immigration and has been less equipped (technically, institutionally, legally or administratively) than other EU members to deal with immigrants. Despite the emergence and configuration of a common EU migration management regime, looking closer at Greece it seems premature to argue for an overall harmonization of national migration systems in the EU. A seamless integration of national systems into a smoothly working EU migration apparatus remains a task for the future. In a final remark it should be stressed that until now, the Greek state has not taken any determined political actions in order to regulate its illegal migrants. Greek migration policies remain especially undecided on question such as how to deal with foreigners on its territory, how to decide on their political status and how to regulate their access to the Greek labour market. Greece has become a country of immigration and the Greek government will not get around solving those issues. The undeclared truth is that the Greek state is in need of immigrants and a certain level of stable net immigration. This seems to be the only feasible way for the country to sustain the state's functioning in the future, preventing the collapse of an ailing Greek welfare system, reinvigorating the economic development through cheap labour, and outbalancing the shrinking of the active population.

Chapter 5 Managing Migrants and Refugees

This chapter will explore the Greek migration management by looking closer at the Greek state's performances in the border regions. The discussion will show that the Greek state has, although part of the EU, still remained the primary agent regarding the implementation of migration policies. Investigations into the de facto practices of the Greek state's migration management try to uncover how and in which form state agents exert their power over refugees. Due to the fact that established practices are always somehow embedded in discourse, the first step will be to explore the current discursive practices in Greece linked to

immigration. The aim is to establish a connection between the current discourse on migration in Greece and the Greek migration policy and practice. It is argued that the current discursive practice on migration paves the way for rough and extreme state actions against illegal immigrants. By focusing on the border regions the chapter will illuminate some aspects in the Greek migration control and migration management. The border regions have been revealed during the research process as hidden spaces or zones of exceptions, in which individuals can be stripped off of rights and the Greek state can rule with roguishness and excessive force. The aim here is to show that exceptionality seems to play an important part in Greek migration management and that the inclusion of Agamben's bare life seems to be an important element in contemporary Greek migration practice. In the subsequent section the increasing application of modern surveillance technologies in form of biometrics in Greek and EU migration management will be discussed. The aim is to underscore that the Greek state employs in the field of migration disciplinary power alongside with sovereign power. Besides, it will be shown how refugees and migrants in Greece easily slip from the realm of disciplinary power into the realm of sovereign power and how the Greek state refuses to inset refugees permanently into the political order. In the final section Greece's bilateral cooperation efforts with Turkey and the aligned practices will be critically assessed. The overarching goal of these investigations into different aspects of Greek migration management will be to reveal how the Greek state routinely violates human rights and constantly overrides international and EU law in its de facto migration practices.

Discursive Constructions of Immigrants - a Foothold of State Power

Immigration is one of the most heated topics on the agendas of many governments around the world. Also in the EU and its member states debates on immigrants, refugees and asylum seeker have become a touch stone issue (Fakiolas 2003; Koser 2007: 234). Especially in Greece it is fiercely contested and disputed over migration. Nowadays, migration issues have their permanent place in the daily political culture in Greece. Even among Greek politicians or other state officials a blatant anti-migration rhetoric is not unusual anymore. In the interview with the UNHCR associate, Mrs. Nanou points out how widespread the anti immigrant rhetoric is also in Greek politics and connects the current rhetoric with the rising anti-immigrant attitudes, xenophobia, and racism in the Greek society.

In the context of the economic crisis refugees become easily scapegoats. It is a highly politicized environment and migrants and refugees are usually the ones to blame [...]. They are strongly linked with criminality, insecurity, degrading conditions in certain neighbourhoods and so on. Even politicians use an undisguised anti-migration rhetoric and the public attitudes are influenced by it. So, what we see is that xenophobia is on the rise and also racism is on the rise. These are really serious problems right now here [in Greece].

Interview with Stella Nanou, public information associate at UNHCR Greece,
March 28, 2012

For example Nikos Dendias the current Greek minister of Citizens' Protection recently stated in an inflammatory rhetoric that Greece's "immigration problem is maybe even bigger than the financial one". In his antagonising speech he warned about the "invasion of immigrants" that have brought "[Greece's] existence [...] under threat" and he referred to the migration issue as a "bomb at the foundations of the society and of the state" (*Athens News, August 6, 2012*). Dendias' populist speech is indicative for the current discursive practice on migration in Greece. Both, official discourses and media reports on contemporary migration tend to paint a picture, which conveys the message that the contour of contemporary migration is absolutely unprecedented and come to threaten the very fundamentals of the Greek society and the Greek nation. The Greek migration discourse displays facts in a highly selective and short-sighted manner by which a certain type of reality is constructed. While the Greek state and the media play dominant roles in these discursive projects the voices of migrants and refugees are largely excluded. According to Foucault, "[t]here is no pre-discursive providence that makes the world well-disposed towards us" (Foucault in Nyers 2006: 7). In other words, the world is structured and becomes comprehensible only by discourse. This is the reason why, critical perspectives on the discursive practices and discursive constructions of migrants in Greece are highly valuable. Contemporary migration discourse in Greece is infused by a dichotomizing rhetoric that stigmatizes all migrants without any distinctions. Antagonizing oppositions between citizens and foreigners, the righteous and the criminals, insiders and outsiders, friends and enemies are frequently used. Migrants and refugees are predominantly constructed as dangers for the nation state and as social outcasts that lack moral and social capacities. As a consequence of the projection of immigrants as dangers and threats in every day discourse, social life in Greece is also infused with distrust and fear, decreasing sympathy for immigrants, increasing hostility, and hardening separation lines

between the immigrant and Greek population. As Peter Nyers has stressed “[w]ith sovereignty, self other-encounters can readily be transformed into self-enemy confrontations” (Nyers 2006:3). The current antagonizing and separating rhetoric plays also an important role for contemporary Greek migration politics. The Greek state has declared to fight unwanted human cross border flows which became one of the government’s key tasks. In the state’s purported logic political success regarding the immigration issue will in consequence alleviate the country’s economic and social problems.

The Greek state went over to intensified inner city sweep operations and mass arrests of the undocumented in newly built detention facilities near to Athens. The government also proclaimed to intensify deportation practices of all those who get caught without papers. The Greek state seems to have recently adopted a harder line on illegal immigration. It seeks for technical and rapid solutions for the “migration problem”. It must be acknowledged that the current rhetoric in the media and official discourse paves the way for roguish state actions and extreme state measures against illegal migrants. In the light of the current discursive practice, the state is presented in the role of the protector of the nation and of the Greek socio-political order. Through a particular kind of discursive construction of immigrants in the public sphere the Greek state gains a foothold where it can tackle the “migration threat” by the exertion of sovereign power presented as a necessary means of defence. This argument remains a central theme in the following discussion in which ethnographic insights shall provide the necessary substance for this somehow radical claim. By focusing on Greek border regions the next section seeks to expose those practices in the current migration management which seem to be more a manifestation of sovereign power than of disciplinary power.

Refugee Management in Greek Border Regions

In a way Greece became the dumping ground for all the people other European states don’t want or don’t need and at the same time Greece has been turned into the policeman of Europe and of course every policeman is a very cruel person.

Interview with Vasilis Ververis, legal consultant at the group of lawyers,
February 12, 2012

The border regions were revealed in the course of this research as hidden spaces or zones of exceptions, where the Greek state governs with excessive force and where individuals can be totally stripped off of any rights. In the following section it will be argued that particularly in Greek border lands archaic sovereign power manifests itself regularly. A central argument is that exceptionality has come to play an essential part in Greek migration management. Moreover, it will be argued that those excessive and violent state performances show a sovereign power which is in fact in the process of its decline.

Historically state sovereignty has been fundamentally embedded in territory. According to Foucault premodern states were more dependent on territory and the production of the soil, while modern states have shifted their attention more on subjects' bodies and their operations (Foucault 2006:546, 2010). However, such pronouncements that globalisation or modernity will lead to a demise of the state and make territorial aspects of nation states irrelevant turned out as inaccurate. Although much of the globalisation literature of the 1990s argued in this vein, modern states have remained politically strong and the state's power still resides partly in its territory (Bislev 2004; Krohn-Hansen and Nustard 2005). There is still a strong, even though not "unbroken link between state power, sovereignty, and territory" that has remained since ancient up to modern times (Hansen and Stepputat 2005:2). Also the Greek state is an example for the continued importance of national territory in politics and especially in the field of security and immigration. With the rise of the Greek nation state in the early 19th century the Greek community which has been previously only ideologically defined became after the Greek war of independence also territorially more concrete. The subsequent strong national awakening among Greeks was also a deliberate separation from a painful past inflicted through the Ottoman occupation (Karakasidou 2002:186). The concept of being Greek is usually defined by three things: being of Greek origin, being Greek orthodox and speaking Greek as the mother tongue (Chrysoloras 2004). However, it seems that there is also an increasingly strong place based-identification among Greeks. It might be amplified by the endurance of Greek classic culture in age-old artefacts and concrete material forms on Greek historic lands. Different concepts of the relation between place and people can have an impact on both, the representations of migrants and the development of migration policies (see Brun 2001). The Greek national consciousness or national identity that consists of different aspects like language, religion,

origin, place and so on seem to provide a large range of elements that can be politically instrumentalized and can be activated to support certain political aims, new imaginaries, and myths of the past and the present.

The strong national consciousness in the Greek society is also reflected in the increasing popularity of nationalist politics and the unsettling success of the far right wing party Golden Dawn (or Chryssi Avgi). Since the last parliamentary election of the 17th June 2012 Chryssi Avgi is represented in the Greek parliament and has become the third largest political power with growing tendency (Die Zeit 2012). Frequent discussions with Greeks have shown that the current immigration process is often perceived as an assault on a previously predominantly mono-ethnic Greek population. The majority of the Greek population seems to desire stricter regulations of their national borders. However, the global condition that promotes transnational movements of capital, money, goods, and labour is simultaneously the necessary condition which creates the wealth of modern nations (J. Comaroff and J. L. Comaroff 2005: 124). Certainly, migration, like other globalisation processes have strong deterritorializing effects (Alonso 2005: 28). In the face of these centrifugal force parts of the Greek society seem to develop a strong attachment to the Greek nation and its territory, ready to defend. The Greek public generally responds with a decreasing openness to foreigners, growing rejection, increasing hostility and even racism against migrants. "Today, xenophobia [in Greece] is so overdetermined by the economic and political insecurities generated by globalization" and it becomes frequently coupled with a call to the state "to close and secure [the] national borders" (Brown 2010: 68). Recently, the Greek government has started to construct a fence at a frequently crossed border-stretch in the Evros region. This project is presented to the public as a security measure that will block the inflow of illegal migrants, deter smugglers and protect the nation from all kind of threats. The project is an aggressive form of border demarcation and a clear expression of the Greek state's reterritorialisation efforts. Oppose to the government's argumentation many national and international NGOs have criticised Greece's attempted fortification. In this vein UNHCR information associate Mrs Nanou questions the functional effectiveness of this relative expensive project and raises concerns, that this wall is likely to "prevent people, particularly refugees by physical blockage to seek international protection" (Interview with Stella Nanou, public information associate at UNHCR Greece, March 28, 2012).

In the ethnography *Walled States, Waning Sovereignty*, Wendy Brown (2010) has thoroughly analysed motives, triggers and consequences of the recent walling practices that have re-emerged in modern nation states. The insights of her research are highly informative in order to understand what is behind the Greek endeavour of fencing its sovereign territory. Brown underscores that the modern world is traversed by untameable powers that were unleashed by globalisation and that cannot be successfully governed by laws and politics of singular states. In the face of this ungovernability, modern states start to resort to various forms of surveillance such as policing and blockading in which the erection of walls is part of a whole strategic complex (Brown 2010: 24). Brown argues that the new walls are overt indicators of an eroding sovereign power while outwardly staging an image of state control. According to Brown, “[t]he new walls often function theatrically, projecting power and efficacy that they do not and cannot actually exercise [...]. [The new walls create] an imago of sovereign state power in the face of its undoing” (Brown 2010:25). Following Brown, Greece’s current fencing project at its borders, stages power which is in fact waning. The Greek fence is only a short flickering of spectacular sovereign power in a process of its decline. The wall only makes the circumstance overt, that the Greek state is unable to govern and control the movements across its borders. The Greek fencing can be explained as a strategy in which the state installs “a ceremonial by which a momentarily injured sovereignty is reconstituted. It restores that sovereignty by manifesting it [...] [in a] most spectacular [form]” (Foucault 1995:48).

The construction of a wall along the Greek-Turkish border is an overt sign of Greece’s eroding state power. At the same time, the wall outwardly stages an image of state control and constitutes as such, a strategic move by the Greek government which sends important signals. It is a signal of blockage for unwanted immigrants and a signal of security for fearful Greek citizens. Precisely in the attempt to hold on to an increasingly fragile power the Greek state is urged to stage its power artificially, by impressive and excessive sovereign ceremonials.

Also Aradhana Sharma and Akil Gupta have profoundly questioned modern states’ abilities to guarantee their sovereignty, maintain security over a given territory and defend the sanctity of their borders (Sharma and Gupta 2006: 23). Yet, Sven Bislev underscores that despite the changing effects of globalisation on the role and workings of states, successful

defence, the maintenance of public security and the protection of a certain regime associated with social order still remain political core functions of modern states (Bislev 2004). According to Alonso modern states tend to respond to this dilemma “by affirming sovereign power, developing techniques to recentralize authority and [...] [to recourse to] reterritorialisation” (Alonso 2005:29).

Border fortification, became also the measure of choice by the Greek state. In this form the illusion of a secure and bounded nation shall be created. The Greek wall is a technique of reterritorialisation and evokes the false believe that the Greek nation state could be sealed off from external influences and transnational forces that have dissolved the Greek national economy, have rapidly changed the Greek society and demography, and have increased the social, cultural and religious diversity in the country.

The construction of a physical barrier at the edge of Greek sovereign lands also fakes the existence of a clear dividing line between internal and external sovereign space. However, the opposite is the case and with increasing securitization techniques the clear distinction between inside and outside, police and military, such as law and lawlessness is increasingly blurred (Alonso 2005; Brown 2010; Rosas 2006). In the next step this argument will be backed by ethnographic material that indicate that also the edges of the Greek state constitute in fact zones of growing lawlessness and excessive state power.

Greek Border Regions as Zones of Exception

Greece’s border regions turned out to be a crucial space for investigations on the Greek state’s response to migrants and refugees. The interviews with my informants have drawn a picture of Greek migration management in which the affirmation of sovereign power by unlawful state practices, the routine denial of fundamental rights, and violent performances by Greek authorities seem to have a constant place. In accordance with Agamben, who argues that the state of exception has been generalized in western political culture, this section rests on the thesis that Greek border regions mark zones of exception. Glimpses into the border regions that opened up through the experience and stories of refugees, as well as other interlocutors, are the basis for this claim.

Although numerous hints at roguish state behaviour in Greek borderlands have been given, it must be admitted that there is “the difficulty to find out what is actually happening” in the

border regions (Interview with Spyros Risakos, director of Aitima, March, 2012). Moreover, as one of my informants enunciated in suspicion, it is likely that the “Greek government has an interest to suppress the revelation of what is going on” (ibid.). Also scholars like Jutta Lauth Bacas have underscored, that the Greek border region and the Aegean sea mark political empty spaces into which it is difficult to investigate and which are usually impenetrable for the public eye (Lauth Bacas 2010: 156). This problematic situation was frequently alluded to by many of my interlocutors. The leader of the Afghan Refugee Community in Athens (ARCA) also brought up this issue in an unsettling statement.

I don't know and nobody really knows what is happening out there in these places - it is all very murky. I mean, the regions at the borders are kind of grey zones. Beyond certain points no one is allowed to go and see what is actually happening there. I remember, one reporter he said, he had permission for filming and documentation by the ministries. He wanted to see exactly what Frontex and the Greek border guards are doing- but the team was not allowed to go and film. There are many things that we hear about, of course, but we cannot tell if it is true. For example in a Turkish Ministry two months ago, it was reported that Frontex killed an asylum seeker at the border but we don't have evidence. We hear of course also many stories from refugees. Recently I spoke with an Afghan refugee. He lost his wife in the river Evros she drowned when they crossed it. He had also a small son, 5 years old. The men said when they crossed the river he was not able to save his wife and his son. So he had to decided and saved the child. The men said that there were police men around, he was shouting for help but they did not do anything, they were only watching from a distance. Although the man was shouting the police did not come for help, they did not do anything. It seems that these things really happen. We hear such stories from refugees. But there is no clear evidence and there are many things happening, that we cannot know, because it is forbidden to see what is going on at the borders.

Interview with Yunos Daktar, leader of the ARCA, March 12, 2012

A cold shiver might run down one's spine listening to what the community leader says. He states that the border regions are shield from the media and every day perceptions, marking zones in which lawlessness rules. In these zones along the Greek frontiers, the distinctions between inside and outside, law and violence get continuously blurred. The leader even bluntly states that in these zones of indistinction human beings are left to die or can be killed by state authorities without committing a crime. As Yael Navaro-Yashin put it bluntly “[c]rossing borders means either consigning to death or to giving up one's rights” (Navaro-Yashin 2005: 114). Thus it seems that in the Greek border lands the state governs over

refugees by using its power not only to discipline and punish but also to kill with impunity. The Greek state can strip off individuals from any rights and can rule with excessive violence in these spaces. At the borders as a zone of indistinction, it becomes impossible to clearly distinguish between the transgression of the law and the execution of the law. This reveals according to Agamben, the very core of sovereign power (Agamben 1998:57). Agamben's point of departure is Carl Schmidt's definition of sovereignty: "sovereign is he who decides on the exception" (Schmidt in Brown 2010: 55). According to Agamben, the essence of state sovereignty is the legal power to suspend law in order to create law. The legal authority to move beyond law, places the sovereign at the same time inside and outside the juridical order. In this significant fact lies the paradox of sovereignty which has remained the nucleus of sovereign power and is also deeply entrenched in modern democracies of the western world (Agamben 1998).

The analysis of the Greek state's practices in the realm of refugee management seems to be infused by this paradox of sovereignty. The Greek state's power to move beyond law became observable in various stories and account of and about refugees. Also Gilberto Rosas, who has done ethnographic research on the US- Mexico border, underscores that, border lands are juridically empty spaces in which the state's power can culminate at its absolute maximum- the power over life and death (Rosas 2006:338). Each space or stretch of land in which the normal juridical order is suspended is a materialization of the state of exception. In such exceptional zones life can be killed without committing a crime and "whether or not atrocities are committed depends not on law but only on the civility and ethical sense of the police who temporarily act as sovereign"(Agamben 1998:174).

However, ethical conduct of authorities is overly fragile in exceptional spaces. The interviews with Afghan refugees and NGO staff have shown that Greek police officers are easily corruptable and use their power in abusive ways against refugees and migrants. According to Mrs. Ziaka "verbal blackmailing, harassment and violence by the police are common practices especially in detention centres but also generally"(Interview with Christina Ziaka, social worker at YRE, September 14, 2011). Also individual accounts of refugees have described police violence and abusive practices as a reoccurring theme. For example Ezat a young Afghan refugee was put under extreme psychological pressure in one of his first

interviews conducted by a border police officer in the Evros region. He recalls the situation as follows:

I had no translator, and the interview was conducted in English. It was very harsh and rough. It was a fat fascist who interviewed me and he asked so many questions, like why did you come, who brought you here, where I came from and so on. It took nearly two hours. Whenever he did not like my answer the police officer was yelling at me. Sometimes, he was threatening me, he hit with his fists on the table or stood up and leaned towards me, shouting in my face: Tell me the truth! Tell me the truth! I told him that this was the truth but he always accused me of lying.

Interview with Ezat, an Afghan refugee, March 17, 2012

This form of interrogation can be regarded as a modern technique of torture that aims at the establishment of truth. It bears a strong resemblance with penal investigations in pre modern Europe, so eminently described by Foucault in *Discipline and Punish* (1995). The search for information and evidence by the Greek officer uses psychological pressure what is likely a routinized and regulated practice. These practices deliberately inflict mental pain or suffering for the purpose of information gathering. Such violent approaches and bully-boy tactics are clear manifestations of sovereign power and several refugees I spoke to have described similar experiences like the one of Ezat. Thus, these violent practices and sophisticated techniques seem to play an important role in the police's investigations of refugees and migrants at the borders. The Greek state as an institution is substantiated by such routinized practices of the police. In these practices the state demonstrates unconstrained power over refugees and migrants. The offence of law due to illegal border crossing gives the state represented by the police officer the right to punish, use violence and make war on the declared enemy. With these performances "the dissymmetry between the subject who has dared to violate the law and the all-powerful sovereign who displays his strength" shall find its expression (Foucault 1995:49).

These pages tried to show that the Greek state has established spaces in which imbalanced power and excessive state violence is exerted and can be legitimately performed on what has been previously declared as the enemy – in this case undesired migrants and refugees. In short, exceptionality and the suspension of the law seem to have become permanent elements in the Greek governance of migrants. In Greece, the place where democracy once

originated sovereign power and violent state practices are an important part in migration management. The following section will move on to the increasing application of biometrics in Greek and EU migration management and emphasises the intersection or combination of modern disciplinary power with sovereign power in the field of migration.

New Security Technology and the Formation of Governable Subjects

A general EU policy goal is the establishment and application of biometrics in migration management with the central aim of facilitating transnational data sharing. The research in Athens has shown that biometrics seem to have also become an important technology in the current management of migrants and refugees in Greece. Individuals who are caught and apprehended after having illegally entered the country are all digitalized by modern biometric information technologies and become electronically inscribed in large database or a disciplinary realm.

Ezat made it to Greece together with a group of other migrants by crossing the river Evros from the Turkish side. For the trip he paid an amount of about 1000€ to the smugglers. In his account, Ezat describes the procedure that generally follows after the Greek police apprehend migrants in the border region.

The police caught us shortly after we have crossed the border. I was together with some other refugees and my friend. Before they took us into a detention centre they immediately asked us questions, what's your name, where are you from, who brought you and so on. We arrived at a police station, where I had a first interview and then, the police took pictures of me and also took my fingerprints. They saved everything together with my information.

Interview with Ezat, Afghan refugee, February 2, 2012

This, and many other refugee accounts, shows that account shows that migrants once apprehended by police guards and subsequently brought to a police station or a detention centre get registered by the Greek police through photographs, fingerprints, and other forms of individual data that is stored in a large database. Such modern individualized information systems bring the correlations between the human body and surveillance to the fore. According to Pamela Sankar (2001), the increasing application of biometrics in individual identification “[embodies] the belief that social threats are located within free-standing individuals” (Sankar 2001:274). A belief that seems to be particularly strong in the Greek

society and is greatly fostered through the current public and political discourse previously discussed.

Nikolas Rose (1999) developed the concept of 'the securitization of identity' (Rose 1999: 240-246) by extensively elaborating on Foucault's writings of governmentality. From a governmentality perspective, Rose notes that contemporary societies are characterized by multiplying contexts in which the exercise of freedom is predicated on proof of legitimate identity (Rose 1999:240). Rose stresses, those who lack such a proof like illegal migrants and potential refugees cannot exercise freedom and seem to be condemned to a live in insecurity and fear. The implications of a lacking legitimate identity are e.g. lacking political rights and lacking rights for social entitlements. For Grabska (2006) "[i]llegality equates with inability to claim justice" and illegality has an impact on all aspects of human live (Grabska 2006:295). In a similar vein, Rose furthermore underscores, that modern projects of individual securitization give "conditional access to circuits of consumption and civility [...] [and establish] recurrent switch points to be passed in order to access the benefits of liberty" (Rose 1999:243).

According to Colin Gordon, the modern practice of government in Western societies is characterised by the coupling of "individuation and control" or in Foucauldian terms, "individualization and totalization" (Gordon 1991:3). Numerous modes of identification are created to achieve this purpose ranging from modern biometric identification, to social security numbers, licenses or bank cards. In order to gain access to privileges and entitlements, an individual is required to present an official document which can be connected to a virtual identity in form of a database record that stores personal details. Many Afghan refugees in Athens, who have not, or could not yet enter the asylum procedure are devoid of any valid mode of identification in a foreign country, and are burdened by all the described consequences like no access to entitlements, lack of rights, justice and civic liberties.

With biometric technologies migrants and refugees are inserted into the disciplinary realm of the Greek nation state and become at the same time also part of the transnational disciplinary realm of the entire EU. In opposition to the real body the biometric information of the individual can infinitely and instantaneously travel across national borders. EU wide data sharing is the strength of the so called EURODAC system. EURODAC was created in 2005

and stores information on individuals. Human identities are grasped in digital form of fingerprints, eye colour, physiological or even genetic data (Feldman 2012:62,120). The biometric data stored in this system can be anytime compared with the biometric data taken from a person and can proof the traveller's identity. With this administrative technique a new mode of identification is created that also provides a new instrument for modern state surveillance. Biometrics are designed to identify human bodies that might move unauthorized through EU space and facilitate the management and regulation of the movements of people within and across the EU (Feldman 2012). With modern biometrics the human body is turned into a governable object of the nation state, and since it is detectable, it can be easier controlled. Also the individual's status determination is facilitated by these biometric technologies (Feldman 2012:117-122). In consequence, the body under surveillance entails that "access and inclusion, and distribution of entitlements or powers may now depend on the display of some body features" (Lyon 2001:297).

It is important to realize that with the application of new biometric technologies the Greek state turns illegal migrants and refugees into governable subjects. Moreover, with biometrics the Greek state has created a new tool of state control. It is also a tool that facilitates the state's significant role of shaping and conditioning the identity of individuals that have arrived on its sovereign territory.

Illegality and Sovereign Power

It is the individual's politically ascribed classification by the state that decides over access to social entitlements and rights. The political classification also decides on which side of the juridical order the individual stands and thus to which form of state power the human body can be subjected. Fuglerud has underscored that the foreigner inside the political order and the foreigner outside the political order are subject to two different modalities of state power (Fuglerud 2005:310). Illegal invaders into sovereign space are dwelling outside the normal legal-political order and can be subjected to excessive forms of state power and can even be eliminated by corrosive sovereign power. As such, illegal migrants resemble homo sacer, who can be killed without committing a crime. The foreigner inside the political order, such as migrants with a legal stay permit or asylum applicants with a valid pink card are at

least temporarily inserted into the normal political order. Thus these individuals are rather subjected to disciplinary power and techniques of domination and control instead of sovereign power (see Fuglerud 2005). The study in Greece has shown that the Greek state seem to recurrently slide immigrants and refugees in or out of the political order. It is very difficult for potential refugees who entered illegally to succeed in legalizing their status. It seems that the majority of migrants and refugees even those who could temporarily legalize their stay sooner or later fall back into illegality and remain excluded from the juridical political order. Notably, the Greek state assigns to all illegal migrants and refugees after their release from detention a temporarily semi-legal status. This state practice shows a point where the fault line between illegality and legality becomes strangely blurred.

Greek authorities usually detain illegal migrants and refugees, and we have talked about the [horrible] conditions of Greek detention centres before. Well, after the release from detention, all migrants and refugees are given an official paper. We call it the “white paper”. It has some personal data on it, and the date of issue. Basically this paper is an order to leave the country within the next 30 days. So in other words it is a kind of postponed deportation order, and the migrant or refugees is given a little time to manoeuvre in the country, and he or she cannot be deported by the police before the deadline ends. According to our experience most or let’s say nearly all migrants don’t leave the country after these 30 days. They often stay for years only with this white paper and of course also for refugees it is usually not even possible to make an asylum claim within the time. Also what is important to note is, that this order is written only in Greek, so most of the recipients, don’t even understand it.

Interview with Katherina Komita, lawyer at the GCR, March 20, 2012

These descriptions given by a GCR lawyer sketch out how the Greek state gives illegal migrants and refugees for a short period of 30 days a semi-legal status in which the person is actually allowed to remain in Greece and is temporarily protected from forced deportation. Yet after this short reprieve illegal immigrants and also asylum seekers who could not yet submit an application and continue to stay in Greece fall back into illegality. After this point they can be arrested and deported anytime and can be subjected to violence and extreme forms of state power.

Many refugees actually want to move on to another European country but without valid documents and money they are trapped in Greece. Due to a malfunctioning bureaucracy it is extremely difficult for them to enter the asylum procedure and the chances to obtain a legal

status in the process are very low. Those who are caught overstaying the 30 day deadline or got caught trying to leave Greece in order to reach other EU countries get often rearrested and must again face prolonged detention. However, according to the law migrants in Greece must be released from detention after a maximum period of three months - or in exceptional cases after a maximum of six months. How common forced deportations after arrests are, is hard to tell. Yet what is widely known is that the Greek state has difficulties executing deportation orders. In order to deport foreigners the Greek state must establish their identity. Besides, also a bilateral relation and correspondence must be established with the migrant's country of origin. "This is all a very complicated procedure, especially from a diplomatic point of view let's say, and for some people and for some nationalities it is just not feasible to deport them "(Interview with Stella Nanou, the public information associate at UNHCR Greece, March 28, 2012). If the Greek state fails to succeed with these tasks - establishment of migrant's identity and bilateral correspondence with migrant's home country- by the end of the maximum detention period the migrant must be set free again and cannot be forcefully repatriated. Similarly, a social worker of *Praksis* points out several issues pertaining forcefully returns, that he considers as problematic.

It is very difficult for the state to deport illegal migrants back into their countries. Sometimes deportations are simply not possible due to technical problems like the lack of a functioning airport in the home country or you cannot send them back in countries in war, and of course very often the necessary [bilateral] relations [are lacking] [...]. Also, a favoured strategy of many migrants from Africa to protect themselves from forced deportations is to [falsely] claim to be Ghanaian. Since there is no Ghanaian embassy in Greece it is impossible for the Greek state to send illegal immigrants back to Ghana. They,[Greek authorities] only tell them you have to go back, but they cannot send them back. They give them a white paper, they don't go and this problem remains.

Interview with Aris Kondakas, social worker at *Praksis*, November 21, 2011

What sounds like a paradox, is that illegal immigrants can be rearrested but after three month they must be released. They are re- issued another white paper by Greek authorities, with the order to leave the country within 30 days. This procedure can, according to my informants happen repeated times. It shows how migrants and refugees obtain temporarily a semi-legal status but they fall very soon back out of the political order. Regarding forceful returns the Greek state power to execute these political decisions is often impaired due to

diplomatic and practical difficulties. In this context illegal migrants and refugees cannot be removed from the Greek sovereign territory and continue to appear as disturbing elements in the Greek political order. A large number of these human beings seem to be condemned to inhabit a zone of the Greek political order that is characterised by the suspension of the law.

Many Afghan refugees I have met in Athens have stayed for many years illegally in the country often keeping only an expired white paper as their only identification document in their pocket. Most of them have been previously arrested, fingerprinted, and detained, sometimes even multiple times. Yet as the practice of “white paper issuing” has shown, the political existence of these individuals is continuously denied by the Greek state although they continue to live amidst the Greek society. Yet, this procedure of individual classification that seems pointless and absurd on the surface is nevertheless a bureaucratic act. At a deeper level, it can be argued that this repetitive procedure “is [part of] these putatively technical and unremarkable practices that render tenable the political tasks of state formation, governance, and the exertion of power” (Sharma and Gupta 2006:11). In other words, state governance can be conceptualized as a material practice mediated by and negotiated with documents (Hull 2008:501). As Riles notes, “documents are paradigmatic artefacts of modern knowledge practice” (Riles 2006:2). In the making of knowledge, documents are generated not because they replace the reality, but because they constitute the reality. Despite the de facto existence of migrants and refugees in the Greek social reality the Greek state makes illegal migrants non-existent also by the bureaucratic act of “white paper issuing”. The Greek state refuses to insert illegal immigrants into the political order and forces them into a zone of indistinction. In consequence individuals, as illegal classified, can become the object of sovereign power, and are cut off from accesses to social welfare entitlements, fundamental rights and other forms of socio-political power. Many refugees who did not want apply for asylum due to mistrust in a fair asylum process, fear of rejection or were simply not able to enter the asylum procedure often live in extreme poverty in Greece - many of them are homeless, lack health care and other social services.

Official documents, e.g. papers of their country of origin, the Greek pink card, and even the white paper can be for refugees and migrants a source of power and constitute a base for action. Those individuals who are devoid of a legitimate political status and lack any form of

official document issued by Greek authorities, can become the target of corrosive sovereign power. Without a clear and legitimate place in the political order the foreign body of Afghan refugees can be subjected to unrestrained state power. Being outside of the political order implies for illegal migrants and Afghan refugees that they can be anytime arrested, detained, deported, harassed and attacked by the police or xenophobic and racist citizens. Due to their illegal status they lack the power to protect themselves from violent practices perpetrated either by state officials or Greek citizens, and they cannot claim justice.

Bilateral Exit through the Greek Turkish Readmission Agreement

Illegal migration in Greece seems to undermine the political and social order and challenges sovereign territory and power. The Greek state hastens to defend both sovereignty and security. As demonstrated so far the state seeks to restore its power through various defence strategies and surveillance techniques. This final section will focus on Greece's bilateral cooperation efforts on migrants with Turkey and its related practices which constitute another important element in Greece's migration management.

In order to make it easier to rid itself from undesired migrants and refugees on Greek territory, the Greek government signed in 2001 a bilateral agreement with Turkey. Several of my informants have confirmed that, on the basis of this treaty Greek authorities routinely return illegal migrants to Turkey after they have passed the Greek-Turkish border. However, due to tense Greek-Turkish political relations, Greece seems to have difficulties to consolidate this readmission agreement (European Commission 2008: 37). Greek authorities seem to compensate these problems by the recourse to informal deportation practices at the borders, where "migrants and refugees are regularly pushed back to the Turkish side" (Interview with Katherina Kamita, lawyer at GCR, March 20, 2012). The interviews and informal conversations leave no doubts that rigorous expulsions of migrants and refugees are common practices at the Greek Turkish border. It needs to be underscored, that in these practices the Greek border police expels not only illegal migrants with force but also potential refugees even in the case when they explicitly ask for asylum.

For example Jaheed stated in his story that he knows "that the [Greek] police deported some people who arrived together [with him in Greece], [...] ignoring the fact that they asked for asylum. They were brought immediately back to Turkey. However, the next day some of

them have made it back to Greece again” (Interview with Jaheed, Afghan asylum seeker, March 22, 2012). Jaheed’s experience shows both the unlawfulness in the Greek deportation practice and the ineffectiveness of such aggressive push backs. The highly porous character of the Greek border makes it often possible for those expelled to return again to Greece only a few days later.

Despite the impression of easily surmountable Greek-Turkish borders, one must not underestimate the high risks entailed in this journey. Not all who embark on this journey will actually make it to the other side. How common the phenomenon of drowning is at Greek shores became clear in the interviews with the Afghan community leader. During the interview, Yunos Daktar received a call of an Afghan family that has lost its 3 year old daughter a week ago in the Evros. Ending the call Mr. Daktar says that,

the parents are still hoping to find their daughter, but of course there is no hope anymore for this little girl. The Greek authorities have pulled out many, many dead bodies from the river and just one hour ago when I contacted them again, I was told that they have just found a young woman and two men from Pakistan – they are all dead.

Interview with Yunos Daktar, leader of the ARCA, March 12, 2012

Also the director of the Greek NGO Aitima, has confirmed this dark picture and made a statement regarding the quantitative dimension of these tragedies. Following the director, “in 2011, 1.500 people are estimated to have drowned” in their desperate attempt to reach Greek soil (Interview with Spyros Risakos, director of Aitima, March 20, 2012). The same number was also confirmed by the UNHCR associate in Athens (Stella Nanou, 28 March, 2012).

The preliminary investigations have shown that refugees easily fall prey to reckless smugglers and due to the geographically challenging area around Greece many lives have been effaced. On top of that, the indistinctive deportation practices and aggressive push-packs by Greek authorities are likely to contribute further to an increasing death toll. In a recent asylum case of an Afghan applicant which Mrs. Komita prepared, it turned out that the Greek police seem even to expel minors who have applied for asylum in Greece back to Turkey.

I had a recent case of a minor who has his brother in Denmark. I made an application for a transfer to Denmark based on the family reunion principle. Since the applicant did not have any documents I did not expect that the authorities in Denmark would accept him. The applicant decided [...] not to wait for the decision and tried to go on his own to Denmark. Of course I did not know that and when I received the answer from Denmark which was positive I was trying to call him to prepare everything for the transfer and also the police tried to reach him but all without success. So I called his brother in Denmark and he told me that he had tried to leave Greece and he was caught at the borders by the Greek police and they returned him to Turkey. I don't know how... because, this is illegal. He had a pink card, and from his fingerprints the police should have known that he is an asylum applicant so this is against the law.

Interview with Katherina Komita, lawyer at the GCR, March 20, 2012

Mrs. Komita and other informants have openly stated that the deportation practices by Greek authorities to Turkey, seems often to transcend the law. Fact is that most of the expelled individuals will try to cross Greece's borders again, some will try it multiple times until they will succeed or existentially fail. Even if expelled refugees won't embark on this live threatening journey to Greece again, their lives are nevertheless often placed in jeopardy due to their illegal status in Turkey. Referring to the Greek Turkish bilateral agreement the UNHCR public associate stresses that,

this readmission agreement is in conflict with international refugee law. A cornerstone of the Geneva Convention is the principle of non-refoulement, which means that a person cannot be send back to a country where his life or freedom might be threatened. If Greece returns refugees back to Turkey, then Turkey might expel them further to Irak or Iran let's say. The person's life might be threatened in this country and so this basic principle is violated.

Interview with Stella Nanou, public information associate at UNHCR Greece,
March 28, 2012

Mrs. Nanou points at a further important detail, which lies in the danger of chain-refoulment. Refugees who become expelled by Greek authorities to Turkey can become affected by a second deportation in succession executed by Turkish authorities. The UNHCR associate highlights the fact that Turkey has not yet adopted the 1967 Protocol that removed the geographically limitation of the Refugee Convention and broadened the rights of refugees to people coming from outside of Europe. With this important detail in mind, the

dire and life threatening consequences for refugees due to impending chain refoulement entailed to the formal or informal expulsion practices of Greek authorities become clear.

The research gave ground to suspect that even single mothers with minor children get deported by Turkish authorities to countries in war. This happened to Arifa, an Afghan woman in her early 30s. She belongs to the Hazara people who are one of the most oppressed ethnicities in Afghanistan. She fled as a single woman with three minor children from Afghanistan to Turkey. Before she was able to continue her journey to Greece she was apprehended by Turkish authorities and forcefully returned to Afghanistan. Only in a second journey she and her three sons finally made it safely to Greece where she is living now in one of Athens' refugee shelters. The experience of this woman underscores once more, the particular harmfulness of unlawful deportations or push backs by Greek authorities to Turkey. Even if it is conceivable that not all people who are expelled by Greek authorities to Turkey are refugees, the research has shown that by Greece's indistinctive and aggressive deportation practice also people in need of protection are expelled. For refugees and especially for the most vulnerable among them, the life-threatening danger of chain-refoulement in Turkey looms very large.

The current Greek deportation practices severely violate the rights of refugees and hint on a silent escalation of human right abuse at the borders. These practices are in conflict with international laws and basic democratic principles. The formal and informal deportation practices which are of dire consequences for refugees are one aspect in a larger complex where the Greek state has the power to decide over live and death. The fact that the Greek state constantly breaches international and European law are the basis on which the argument rests that exceptionality does not only momentarily materialize but has become a constant element in the Greek migration management.

Especially the border regions mark a space where law and violence have become indissolubly linked. With a political ideology that conceives illegal migrants and refugees as a threat and frames them as criminals, Greek state authorities seem to be predisposed towards violent performance against illegal immigrants. These practices are presented as aggression in defence that appears under this ideological light legitimate. The action of the operating police at the borders can violate the normal legal order with the aim to protect the Greek nation in order to restore security. As the ethnographic insights have revealed the

exertion of the Greek state's power can even produce death which often goes on unnoticed and cannot be punished. Foucault argues that modern forms of governance that are characterised by biopolitics would measure and limit the excessiveness of sovereign power. However, recently growing literature on sovereignty have questioned Foucault's notion of a clear distinction between disciplinary and sovereign power. Today, the whole world "continues to see and experience state massacres, state terror, and state torture" (Krohn-Hansen and Nustard 2005:19). What the investigations into the Greek state's governance in the field of migration have revealed is that a tidy distinction between sovereign and disciplinary power seems to be lacking. The explorations of the de facto practices of the Greek state have shown that the dividing line between these two concepts is rather blurred.

In sum, the central aim in this chapter was to show on the basis of ethnographic descriptions that sovereign power and the transgression of the legal order by Greek state authorities have a firm place in Greece's migration management. The exposure of rogue and unlawful state practices at Greek borders can be put in line with authors who argue for a subtle confusion and dangerous intersection of disciplinary and sovereign power in modern states (Agamben 1998; Alonso 2005; Brown 2010; Hansen and Stepputat 2005; Rosas 2006). In other words, excessive violence and spectacular performances of sovereign power cannot be relegated to the past but have remained a central constitute in modern states (Agamben 1998; Alonso 2005; B. T. Hansen and Stepputat 2005;2006; Krohn-Hansen and Nustard 2005).

This chapter has shown that the Greek state employs in the management of refugees and migrants disciplinary power alongside to sovereign power. The selected ethnographic examples have illustrated that the dividing line between these two different modalities of state power is increasingly blurred. In other terms excessive state power and disciplinary power seem to intersect in many moments. Moreover, unlawful practices and rogue state actions have their firm place in Greece's current migration management. Violence and excess of power on foreign bodies are legitimized since these practices aim at the protection of the Greek nation and the restoration of the Greek state's political, juridical and social order. However at the same time with these excessive and violent performances of power, the Greek state seems rather to masquerade itself as the sovereign whose central authority

is eroding. The Greek state puts on a sovereign mask and stages its supreme power that is in fact in the process of its dispersion and decline.

Chapter 6 Asylum Process and Practice

Analysing state's migration control and surveillance activities give crucial insights into migration practice of states in border zones and their political response towards foreigners. Border surveillance at the fringes of the nation is yet only one important activity intimately connected with the state's sovereignty. The regulation of immigrants and particularly refugees through domestic laws and institutions empowered by the state is another important aspect. Such a perspective will provide a further angle from where the relationship between the Greek state and its refugees can be explored.

The final chapter will investigate and examine the current asylum process and asylum practice in Athens. One must be aware, that the asylum process "is as much a social and cultural process as it is a legal and political one, and it takes place at the intersection of the often contradictory practices of [...] bureaucrats, lawyers," judges, asylum seekers, interpreters, experts and other third parties (Kelly and Dembour 2007:2). The following pages will present an anthropological examination of the encounters between several actors, involved in the Greek asylum process. A special focus is put on the every day practices in institutions that are relevant in the context of asylum and the distribution of power in bureaucratic encounters. In particular, the aim is to shed light on the treatment and difficulties refugees and asylum seekers are facing within the bureaucratic and legal structures of the Greek state.

Refugees and asylum seekers do certainly have some agency within these structures and processes that shape their lives in significant ways. Although this study does not deny the active role of refugees and asylum seekers as self reliant agents in political, social, and cultural processes, refugee's agency was not the focus. It should be clear that due to numerous limitations (e.g. lacking social, political or financial assets) the power position from where refugees and asylum seekers manoeuvre is a great deal weaker than that of the

Greek state. The Greek state can act through sovereign power and with the long arm of the law. The key task in the following sections is to further illuminate the power relation between the Greek state and its refugees. By looking at the different stages in the asylum process I tried to carve out those moments and constellations in institutionalized encounters where the power asymmetry between the Greek state and refugees manifest. The ethnographic research could reveal several moments or particular social constellations in which power is considerably tilted towards the side of the Greek state.

Ethnographic descriptions will illustrate how international refugee law is ruled out on the Greek turf and how refugees' rights are translated, appropriated, deformed or resisted by state agents and other actors. The essential insight of these investigations is that sovereign states remain the primary agent in administering, implementing and enforcing laws and rights, including those conceived to be universally held (see Shafir in Brysk and Shafir 2004: 4). The chapter concludes by illuminating some of the impacts and aspects of the wider social context refugees and asylum seekers are embedded in and will draw attention to the inhumane consequences of the underdeveloped Greek asylum system.

The Asylum Application Process

In the proceeding chapter it was argued that transnational processes like irregular immigration undermine and challenge the power of the Greek state. In this chapter it will be revealed that the Greek state regains considerable control over refugees and reasserts its power in the field of asylum. The following sections might have a lower level of theoretical abstraction and have remained more grounded in the concrete experiences. Yet, the investigations remain however centred on the question about the relationship between the Greek state and its refugees in terms of power. It seeks to provide some additional perspectives on debates on transnationalism, sovereignty, and the configurations of power within nation states.

It must be acknowledged that the asylum process is the only path for refugees, to claim justice and become legally protected of abusive practices perpetrated by oppressive regimes or other militant agents (Dembour and Kelly 2007). In a first step the aim will be to provide evidence that the Greek state excludes refugees from this possibility by obstructing their access to the asylum procedures.

By directing the focus on the current asylum application process it will be demonstrated how administrative barriers and institutional structures make it extremely difficult for applicants to apply for asylum in Athens, where the overwhelming majority of refugees aggregates.

The reception of asylum applications and asylum decisions at first instance are in Athens subjected to the Greek Ministry of Citizens' Protection, hereafter MoCP. In other words asylum at the initial stage is in the hand of the Hellenic Police. In the introduction it was already described under which conditions refugees have to submit their asylum application in the asylum office which is located inside of the MoCP. On Saturdays at 6am, once per week, the Hellenic Police allow to a limited number of about 20 individuals access to the asylum office. Who gets in to submit an application "is mostly a matter of luck and strengths. There is no plan in place, [...] no plan at all. Certainly a fundamental problem [here, in Athens] is, that refugees don't have access to the asylum procedure in the first place" (Interview with Stella Nanou, UNHCR public information associate, March 29, 2012). Some of my informants have also purported that the police who control the access to the asylum office is deeply corrupted. In exchange of bribe-money some people are given access to the asylum office and can obtain a pink card. "You want a pink card, and you can pay for it, so no problem then. Either you bribe the police, or there are also lawyers. You have to pay 200€, or 300€, I don't know - but then they will get you a pink card immediately" (Interview with Yunos Daktar, leader of the ARCA, March 12, 2012).

These people [who can pay for a pink card] are usually not genuine refugees; they are not persecuted, and just abuse the system and try to find a way to regularize their stay. Actually, I don't want to blame them, since it is also very difficult for migrants to get a regularization. So they are looking for alternative ways.

Interview with Spyros Risakos, director at Aitima, March 20, 2012

The holder of a pink card can stay for 6 months legally in Greece and after this time the card must be renewed again in the MoCP for another 6 month period. The card allows free access to public health care and theoretically gives also access to the Greek labour market.

Based on these findings, I argue that this form of governance in the field of asylum is an assault on refugee's rights launched by the Greek state. It shows how the Greek state overrides its legal obligations towards refugees by a defective administration and large scale

exclusion of individuals in need of international protection from the asylum process. By physically obstructing refugees to access the asylum procedure the Greek state abrogates or minimizes its international responsibilities towards refugees and asylum seekers. The circumstances (e.g. extremely long waiting periods, limited opening hours, no public toilet, no shelter or sitting accommodation), described in detail in the introduction are deplorable and dehumanizing. The fact that improvements in some very basic aspects would not demand expensive measures further hint, that the Greek state lacks willingness to change these conditions. In Athens refugees who want to claim their rights are stamped down by the state's power in form of police force, physical and administrative barriers that radically limit the access to vital asylum services and expose human beings to dehumanizing treatment.

The hardships asylum seekers face due to these structures shall be further illustrated with Hamid's story. Hamid is an Iranian asylum seeker in his 60s. I met him in a soup kitchen run by the NGO Helping Hands. Besides, we both regularly attend the Greek language classes. He is dressed in a worn out jacket, whose colour has long faded. His body posture is bent – obviously he is old, but I cannot refuse the impression his body posture is more bent by grief than by years. It is the first time we talk at length. In this encounter Hamid shares with me the story of how he managed to apply for asylum in Petrou Ralli. He tells me that it took him nearly 5 months, until he finally succeeded with his submission. For all these months he has never missed a single Saturday morning to show up in front of the gate's of the MoCP. Every time he walked to Petrou Ralli by foot, since he lacked the money to pay for the bus (a single bus ticket in Athens costs 1,20 €). He has no money in his pocket since he has remained unemployed and the Greek state does not give any allowance to asylum seekers. In order to apply for asylum he headed off to the police station from the city centre in the middle of the night to make it there at around 4:30 am. Walking the distance took him about two hours. He walked sometimes in the pouring rain. One Saturday the police finally fished him out from the crowd and took him in. He feels somehow relieved since he has finally a pink card and the fear of deportation lost its tight grip. Yet apart from that he admits that nothing much has changed.

These experiences made by an Iranian asylum seeker are of course only one example. However, this example is indicative and could have been replicated many times over, by

similar stories of other refugees, from other countries. Although their stories differ in form, they do not differ so much in kind. The struggle to apply for asylum in Greece is hard to win. These insights and research findings into the asylum application process are the basis on which I argue that the Greek state retains its power again over refugees, who have previously entered Greek territory illegally and uncontrolled. Through such regulatory mechanism and administrative processes in the field of asylum the Greek state regains sovereign authority over refugees by excluding them. Achille Mbembe (2006) writes that “precisely the situations of powerlessness [...] are the situations of violence *par excellence* (Mbembe 2006:395).

Although refugees in the asylum application process cannot be considered as absolutely powerless, their power position is considerably weaker than the power position from which the Greek state manoeuvres. The regulative and administrative practices of the Hellenic police have radically diminished refugee’s ability to access the asylum process. With these structures the Greek state has established regulative mechanisms that not only violate refugees’ rights but also insert them into a “regime of violence and domination” (ibid: 383). In a similar vein, Aihwa Ong (1999) has pointed out that the nation state “along with its juridical- legislative systems, bureaucratic apparatuses, economic entities, modes of governmentality, and war- making capacities - continues to define, discipline, control and regulate all kinds of populations, whether in movement or in residence” (Ong 1999: 15).

Another aspect in this context, which must be stressed, is that the Greek state seems to keep refugees deliberately in a state of ignorance regarding the asylum procedure, international refugee’s rights and Greek bureaucracy. Foucault has prominently argued for a knowledge power connection and putting it in a simplified way that knowledge is power. Thus excluding refugees from essential forms of knowledge has disempowering effects on them. I argue that the Greek state is deliberately producing ignorance as a mode of governance of refugees. In this way the Greek state implements another regulative technique that aims at keeping refugees low in terms of power and hence under easy control. Many of my interlocutors, have frequently stressed that no information is given to refugees and asylum seekers by Greek authorities. Additionally, even official papers that are issued to migrants and asylum seekers are only written in the Greek language and thus, remain for most of the receivers incomprehensible. Refugees begin to suffer from a dearth

of information already at the borders and in detention centres. The problem of lacking information is similarly acute in Athens. Even in front of the MoCP where regularly up to one hundred refugees gather, Greek authorities do not provide much information on matters of asylum. No leaflets, brochures or any other information on asylum are available. Only a placard scantily informs about dates at which the asylum office will be closed, or about some recent legal changes. The minimalist information is pinned up only in Greek and a few other foreign languages. It entails absolute no information about the asylum process per se, or where to find, e.g. free legal assistance or other supportive services so essential to refugees.

Thus, besides impairing refugee's access to the asylum process the Greek state also withholds information on the asylum procedure and potential protective support services in this domain. "Not knowing the [international refugee regime and the national] bureaucracy, from immigration law to social services [...] can have effects that range from unimportant to disastrous" (Bohmer and Shuman 2007: 612). The Greek state produces conditions to keep refugees in ignorance over their rights and opportunities, and seems to strategically disempower refugees. The Greek state seems to deliberately hamper the individual's knowledge production on the political asylum process. With this dearth of information on asylum and refugee's rights the Greek state leaves a deep mark of its sovereignty on the political consciousness of refugees. Having only a vague idea of asylum disadvantages refugees profoundly who have to undergo complex bureaucratic, juridical and political processes.

In summary the Greek state seems to employ different regulative mechanisms through which it governs over refugees and asylum seekers in an authoritative form and regains a high degree of control over those subjects. By limiting the access to asylum procedures and by putting constraints on refugees' knowledge production on asylum and their fundamental rights, the Greek state secures its supremacy and tilts the power distribution further towards its own side. Through these regulative modes and oppressive structures the Greek state politically marginalizes refugees and tries to turn them into ignorant subjects which can be easily dominated and politically marginalized.

In a last remark I want to heed to the scepticism about the Greek asylum system which is widespread among Afghan refugees. Many refugees actually hesitate to seek for asylum in Greece since they profoundly mistrust the system and have often made negative

experiences with Greek authorities or have listened to unsettling stories based on the experiences of their compatriots. Thus there seems to be a considerable number of potential refugees who don't want to apply for asylum in Greece and remain for years illegally in the country. Many hope to be able to leave Greece again as soon as they have some savings with which to continue their journey to other European countries – a hope that remains very often unfulfilled. In these cases of unregistered but potential refugees conditions are created in which “daily social life separates the undocumented [in Greece] and the documented as surely as the bars of detention centres” (Bibler Coutin 2005:282). Furthermore, the lack of a political status excludes these individuals from any social services and usually condemns them to a live as political outlaws and impoverishment.

Legal Aid for Asylum Seekers

We have no right to call asylum a legal procedure as long as not every refugee in this country can get the legal assistance he needs and gets his asylum claim assessed in a fair and timely manner.

Interview with Spyros Risakos, director at Aitima, March 20, 2012

Since the Greek state has outsourced essential state functions such as providing legal assistance to asylum seekers, NGOs have stepped into this vacuum and play a crucial role in the field of asylum. Local NGOs that provide free legal consultation and legal assistance are vital for asylum seekers. In Greece NGOs are the only agents that respond to refugees' rights and protection needs.

Seeking safe haven elsewhere requires the asylum seeker to undergo the process of asylum in which substantial proof must be provided by the applicant that he is in need of international protection (Shuman and Bohmer 2008). Afghan refugees and asylum seekers who arrive in Greece have at the beginning no knowledge about the country, and usually do not know much about asylum. They certainly know nothing about the asylum process in Greece and the legal and bureaucratic procedures involved. Nevertheless, since the moment of arrival, a refugee's live and future is profoundly shaped by the receiving state's bureaucracy, domestic laws and legal practices.

The political and legal terrain of asylum is highly complicated. Applicants can only steer themselves through the maze of juridical and administrative procedures with the support of legal experts (Good 2007: 21). The rights at stake in an asylum process can be matters of life and death and since the potential risks to asylum seekers are so serious their asylum claims should receive most thorough preparation and utmost scrutiny (Good 2007:187).

This section will discuss the availability and provision of legal aid for asylum seekers in Athens. It will cast light on the conditions and quality in which free legal aid is provided to applicants. In an exploration of legal aid provision the aim is to reveal how refugees' rights and protection needs become jeopardised. Looking closer to the legal treatment of asylum seekers and in which setting they have to express their claims will generate insights into quasi-juridical and political practices and questions about the liberalizing capacity and limitations of asylum law. These inquiring into the potency and limitations of refugee's rights on the ground, will illuminate the power relations between the Greek state and Afghan refugees further which are the central concern in this research.

Although the EU Directive 2005/85/ EC on *Minimum Standards on Procedures in Member States for Granting and Withdrawing Refugee Status* spells out the right to free legal assistance at appeal stage, most European states do not allocate sufficient means to implement it (Acer in Bianchini 2011: 391). Also in Greece the government does not provide legal representation for asylum seekers at 2nd instance, or at any other stage of the asylum process. It is clear that legal assistance is indispensable in order to safeguard refugee's rights and to have a chance of a successful asylum claim (Skordas and Sitaropoulos 2004: 43). The only form of legal assistance asylum seekers can find in Athens is provided by less than a handful of local NGOs. As a consequence, "[l]awyers that represent refugees and provide free legal assistance in the asylum process are very rare and hard to find" (Interview with Christina Ziakas, social worker at YRE, September 14, 2011).

Moreover, a big challenge is posed on asylum seekers who need to find out about the availability of NGOs that provide legal assistance due to a lack of information by state authorities, lacking advertisement on the side of NGOs, and other factors like language barriers or the unfamiliarity with the structures of the country. The process of finding a lawyer is difficult and burdensome. Firstly, most NGOs are very badly signed. Even if one knows the address it is not necessarily obvious where the NGO's office is located and can be

entered. Moreover, since all NGOs in Athens remain understaffed, and have often very limited opening hours, refugees and asylum seekers face usually long waiting periods until they finally receive information and can benefit from the NGOs' supportive services.

The largest of all the NGOs which provides free legal aid to asylum seekers is the Greek Council for Refugees (GCR). At the time of my research the legal assistance unit consisted of 7 lawyers that worked exclusively on asylum cases. My special involvement and supportive activities in the GCR allowed me to spend considerable time with some of the lawyers and other personnel (e.g. social workers, secretaries, interns). Thus, I had many opportunities to interview members of the GCR staff in more or less formal ways and I was able to observe the daily practices going on inside. Views were gleaned from the direct interactions with GCR personnel and various asylum seekers, and from encounters in which lawyers counselled or prepared applicants for the asylum hearing.

The GCR is structured in such a way that administrative personnel decide on a first level whether an individual will get access to one of the lawyers or not. In rapid assessments what is called the "screening process" individuals are registered and interviewed for the first time. Subsequently the person is defined either as "eligible" or "ineligible" to legal aid. Only those who are not defined as "illegible" equating with the category of the "economic migrant" will receive an appointment with a lawyer. Others are excluded from further services provided by the GCR. What is problematic about these first level decisions is the fast pace and rapid assessment of the cases. Moreover migrant's seem to lack the awareness of the major significance attributed to their answers. Furthermore, communication is severely impaired due to lacking professional interpreters. Migrants often depend on friends acting as amateur interpreters and in such arrangements translating mistakes, misunderstandings, or inhibitions to reveal very personal yet highly relevant facts are bound to occur. If the individual reveals in the questioning only economic reasons for leaving his home country, hasty conclusions will be drawn. The person will be turned down as an economic migrant, and legal services to him will be denied. The crucial decisions taken in these initial interrogations seem to be based on a tidy distinction between political refugees and economic migrants. However, it is fully legitimate for refugees to have besides the five conventional reasons also economic reasons for the flight. As Khalid Koser has underscored "it may not be accurate to distinguish so straightforwardly between political and economic

migrants, because of the need to recognise that all migrants in reality move for mixed motivations,” including economic reasons (Koser in Koser 2007:238). While the validity of this distinction between refugees and other migrants became questioned in international migration studies, the daily practice of the GCR continues to be structured around these dual concepts. Moreover, it must be stressed, that both, the expectation, that “applicants are prepared to open up straight after arrival, to complete strangers in a strange country” and the “assumption [...] that genuine applicants will mention all serious incidents of persecution at the earliest possible opportunity” are serious misapprehensions that guide the daily practice and decision making on GCR’s first operational level (Good 2007: 190).

With the intention to filter out “economic migrants” and to “catch out” those applicants who are lying and whose stories are fabricated, lay persons seem to follow their personal interrogation strategies and can make decisions based on their own standards. Some of the staff members were overly concerned about catching out those migrants that come to abuse the legal aid system. Their form of conduct was rough, and authoritarian in its nature, climaxing at the banging of doors after individuals considered as economic migrants who masked themselves as asylum seekers. It truly seems that their “fear of “bogus” asylum seeker permeates [their daily interactions with migrants] [...] to the detriment of genuine asylum seekers” (Shuman and Bohmer 2008: 11).

All in all, these rapid screening procedures are prone to lead to premature judgments on whose basis refugees can be excluded from vital legal services. The swift encounters in which refugees are expected to express traumatic experiences while being at the same time fully unaware of the significance attributed to their answers in this encounter, places asylum applicants in a highly disadvantaged position. There is a clear inequality between, on the one side, GCR low-level decision makers, who have the power to decide over refugees’ access to legal services, and on the other side, asylum applicants, who can lose in only a few minutes the chance to legal aid, which is an essential safeguard in the asylum process.

Those applicants who make it through the first filter are regarded as eligible to GCR’s legal aid services and are given an appointment with a lawyer for a more substantial interview.

Lawyer are indispensable in the preparation of an asylum claim, since only legal expertise can guarantee that an asylum claim is prepared in such a form that those elements in the

applicant's story are highlighted which are of special legal relevance. The application of the law is in a way a complex art which demands for specialists. Also, the speed in which new laws are stipulated and introduced needs specialists who can keep their legal knowledge up to date.

The Greek state has been among the early architects of the Refugee Convention and has signed the document in 1959. As mentioned the 1951 Convention is not per se part of Greek law, but its normative order was incorporated into the domestic legislation. Although the Greek state has committed itself not to violate these international standards, in practice it falls short with its legal obligations towards refugees and asylum seekers (Interview with Spyros Koulocheris, lawyer at GCR, March 22, 2012). The growing density and complexity of the national legal fabric, and the highly specific language of legal texts, makes asylum applicants extremely dependent on lawyers.

GCR lawyers interview applicants about their cases and construct in a common effort together with the applicant a testimony. By writing down the applicant's story in the necessary formal register, lawyers tell their applicants "what they need to emphasise or what they better omit in their story, since some aspects are more and other are less relevant for the legal viewpoint" (Interview with Katherina Komita, lawyer at the GCR, March 20, 2012). In these complex legal and administrative processes asylum applicants are once more very dependent on others which disempowers them. Applicants have to "relinquish much of their individual autonomy in their reliance upon [...] other persons, and are therefore, for good or for ill, unable to present their claims in ways they themselves might have chosen" (Good 2007:21).

In a country, like Afghanistan that has been in a condition of war for about three decades, people often have little or no access to formal education. Afghan refugees often only speak Farsi or Dhari which makes encounters between Afghans and lawyers especially challenging. In order to allow communication with a Greek lawyer, Afghan asylum applicants fully depend on interpreters. However, also in this stage where lawyers prepare the testimonies for the asylum process, professional interpreters are lacking and amateur interpreters must fill in the gaps. The observations have shown how common communication problems are, and

how frequently gaps of comprehensions or also misunderstandings occur. Thus, Afghan asylum applicants are not only dependent on lawyers in respect to their legal expertise, but are also highly dependent on interpreters and their skills. This situation leaves asylum applicants somehow double disempowered since they are forced to rely somehow blindly on lawyers and interpreters (see Good 2007). In similar vein, Bohmer and Shuman argue that in the context of asylum “applicants continuously have their stories taken out of their hands, first by the perpetrators of assaults against them, and then by the lawyers, witnesses, interpreters, and immigration officials” (Bohmer and Shuman 2007: 607).

One major problem regarding the legal aid that is provided by the GCR, and also other NGOs is that the quality of the legal assistance is rather low. A fundamental problem is that lawyers have to deal with a huge caseload and have only very limited time to prepare each case. It seems that, “guaranteeing high-quality legal aid to asylum seekers remains a challenge and a low priority in most European states [and especially in Greece]” (Bianchini 2011: 390,391).

Moreover, a striking observation in the GCR was that some lawyers were very young (early 20s) and had just finished with law school. These lawyers were obviously inexperienced with the legal process and the asylum practice. It is doubtful that they have established a solid knowledge on asylum and immigration laws which are vital assets in order to represent asylum claimants successfully in the process. Nevertheless, these inexperienced lawyers took, due to a lack of other more experienced personnel, sole responsibility for asylum claimants, prepared their cases and represented those applicants in the asylum process. It is likely, that an asylum applicant’s chances for a successful claim decreases considerably in case of lacking legal expertise and practical experience on the side of the lawyer. In this respect the level of quality of the legal representation that an asylum seeker gets is also purely a matter of luck.

A further problem might be that legal unit of GCR did not split up its team in a way that certain lawyers could focus on applicants of certain countries or particular asylum cases. All lawyers worked with all applicants regardless of their country of origin or their reasons of persecution. Thus, it was often the case that lawyers had only very limited knowledge on the

asylum seekers' home country and the conditions in this country. In order to check on the credibility and plausibility of an applicant's story, lawyers frequently exchange their experiences with each other, or looked up information in UNHCR country reports. The primary source of information used by GCR lawyers was however the internet. Although the internet can reveal immediately background information on the countries in question, those internet based researches might not always provide reliable information. The information on important issues might not be up to date, be inaccurate or even false. This can lead lawyers to unsubstantiated assertions, on which they might question the truth of the applicant's story which can in turn overshadow the interactions between asylum applicant and lawyer by feelings of mutual mistrust. The lawyers' lacking background knowledge is also an obstacle since it considerably reduces the lawyers' ability to contextualise a claim within the current local conditions (Good 2007:129-131). If a lawyer is not able to view the narrated events within the light of the particular environment, this will reduce the lawyers' ability to regard the applicant's actions and decisions as plausible which makes it difficult to forge the claimant's story into a credible legal account. As a corollary this can further reduce the applicant's chance for a positive outcome of his case.

Another discriminating aspect, already mentioned above is a great disproportion between only a few lawyers in NGOs and a vast amount of applicants. As a consequence GCR lawyers must keep their encounters with applicants at a minimum. Lawyers and applicants are not given time to build up a relationship of trust, which is however essential for asylum applicants who have to open up themselves. A certain degree of trust is often a precondition for applicants to narrate traumatic experiences and to speak about ineffable events. At the first meeting asylum seekers often focus in their stories

more on the trauma of loss and the struggle to survive than on the details of persecution. However, it is these details, about persecutors, their interrogations, incarcerations, and torture, as well as the individual's role in a larger political, religious or social conflict that interests the asylum officials.

Shuman and Bohmer 2008:253

In respect to the limited opportunities (in average twice) and the relatively short time of these legal encounters (approximately 1-1 ½ hours) it must be questioned that these conditions actually allow applicants to establish the necessary trust. Only when applicants

have enough time they can get to the point where they are able to convey the information and details of their persecution which allow lawyers to turn these personal accounts into successful political asylum claims.

The Greek government does not provide legal assistance to asylum applicants. As discussed in this analysis, Greek NGOs can neither guarantee legal assistance for potential refugees nor can they provide high quality legal representations due to limited resources (financial, human, or temporal). The provision of legal aid is characterised by a range of deficiencies which might leave applicants with representations by badly prepared or inexperienced lawyers. The general legal aid structure and the legal aid scheme in NGOs set social dynamics in motion which can have disastrous effects for applicants. Asylum applicants are often caught in relations of non-transparency, dependency and imbalance of power. Since asylum applicants cannot successfully represent themselves in front of the Greek asylum authorities, they have to relinquish much of their individual agency. Thus their fate depends on various other people and is not in their own hands. Considering Afghan refugees' starting position (no means, no language skills, often no formal education, no legal knowledge), asylum applicants can hardly sail around the described inequalities. All in all the exposed flaws, problems and shortcomings in the legal aid provision are likely to reduce the chances of a positive outcome of an applicant's asylum claim. If the asylum process may be regarded as a sight of struggle between the Greek state and the asylum claimant, the investigations into the legal aid services have revealed, that asylum claimants are constrained by certain structures and social constellations to make use of the liberalizing power of the law. In this respect asylum seekers are sent unarmed or only very badly equipped into a large legal battlefield against the Greek state.

The Asylum Process and Decision Making at First and Second Instance

The process of refugee status determination is an essential aspect in the governance of refugees. The Greek state holds considerable power to decide whether an individual falls within the protection of the 1951 Convention or not. Many authors have stressed, that while refugees have the right to claim asylum, only states have the right to grant it (Albert 2010; Fuglerud 2005; Shuman and Bohmer 2010). The object of this section is to cast light on those state institutions and various agents that are involved in the process of status determination and play an important part in the assessment of asylum claims. Since asylum hearings in

Athens happen behind closed doors, I was not able to observe the process per se. However, through the direct experiences of asylum applicants and detailed accounts of lawyers representing applicants in the asylum process, the presented views and insights could be gleaned.

Initially it must be stressed, that the Greek state has recently embarked on a series of legal reforms which have improved the asylum system. In August 2010 the Greek government presented the *Greek National Action Plan on Migration Management*, hereafter, Action Plan to the European Commission. The Action Plan gives a clear outline of a gradual reform process in order to reconstruct within three years Greece's migration policies and practice. One of its goals is the complete overhaul of the Greek asylum system (Ministry of Citizen Protection 2010). Several of my informants have confirmed that "a major asylum reform is under way, and the Greek government has already made the first steps by implementing new services [...]. There is already some visible progress and [...] clear improvements" can be seen (Interview with Stella Nanou, public information associate at UNHCR Greece, March 28, 20012).

An important step forward was taken at the end of 2010 with the Presidential Decree 114/2010. Based on this law the so called transitional period was introduced which will be in place until the new asylum system can be fully enacted. In the following, attention will be directed to both, the positive recent changes and the remaining flaws or inequities in the current asylum system and its transitional or re-arranged practices.

First Instance

The responsibility of the initial asylum interview at first instance has remained also in the transitional system in the hand of the MoCP. The asylum applicant is interrogated by a single policeman, ranked as the secretary general of the MoCP. The secretary general conducts the initial interview and decides on the applicant's claim. A recent improvement is that a UNHCR legal consultant observes the asylum examination and can make suggestions, regarding the outcome of the decision.

This initial interview used to last only a few minutes in the past, and nearly all applicants were rejected. Actually the police did not know anything about asylum, they gave no explanation to applicants and they did not do a

real interview. So many claimants have not even understood that this was the first interview, since it was no interview. The policemen often just made the applicant sign a paper on which it was written the person came to Greece for economic reasons, and he was rejected.

Now things are different. The police work differently, they received some training, they have a certain knowledge [...] and they cannot reject all applicants anymore. I think this is exactly because a UNHCR officer is present, even though his suggestions are not binding. I mean you don't know how the police men would act and decide if there was nobody else present, maybe the same police men would be a completely different person.

Interview with Katherina Komita, lawyer at the GCR, March 20, 2012

This statement of a GCR lawyer illustrates the degree of power and arbitrariness with which the Greek state could rule until recently over asylum claimants. Mrs. Komita stresses that the UNHCR official's present in the asylum process has somehow tempered the abusive use of state power and has disciplined unsubstantiated assertions of state authority which used to serve the state's interests very well. The lawyer underscores that even though the UNHCR consultant can only make recommendations that are of a non-binding nature, his presence has a positive influence on the asylum practice and the decision taken by the police.

An aspect which is highly important in this context and deserves attention is the double responsibility of the Hellenic police' in the migration management. Fact is that the police have on the one hand the responsibility to defend the borders and keep illegal migrants at bay and on the other hand the responsibility to decide on asylum seekers' claims and identify those individuals entitled to international protection. I argue that this double task is conflicting and actually incompatible. The police's double responsibility must hinder a fair and objective assessment of asylum claims. The police are likely to be inclined to criminalize asylum claimants as illegal border crossers and to adopt a very restrictive position on asylum. This is why I argue that the police in the role of the decision maker on asylum claims are inadequate and highly problematic. In such constellations it can hardly be avoided that the police "as agents and guardians of the nation, [...] are creating epistemologies and ethics of ignorance" (Bohmer and Shuman 2007: 623). Moreover, the police' sufficient expertise on asylum must be questioned. Many of my informants have stressed that despite special

training seminars for police officers organized by the UNHCR, and the availability of various study material like the UNHCR's *Handbook for Determining Refugee Status and Guidelines on International Protection* (which offers guidance in how to interpret and apply the international refugee law on a practical basis), the police' competence has remained insufficient for the complex task of status determination. Various commenters have underscored that decisions on asylum require legal expertise in order to apply the law correctly and endorse international legal standards in the everyday practice. Further, it must be stressed that the legal adjudication is also to a high degree an interpretative process (Good 2007; Kelly and Dembour 2007; Shuman and Bohmer 2008; Skordas and Sitaropoulos 2004). In this vein also the lawyer Mr. Koulocheris has stated:

The law is not a dogmatic text. Actually it needs to be interpreted and this demands an education that somehow goes beyond a merely legal realm. I would say in order to apply and interpret the law correctly it also needs a moral consciousness, certain social values, and a sensitiveness for justice. In my opinion the police lack all these qualities.

Interview with Spyros Koulocheris, lawyer at GCR, March 22, 2012

The Greek police was widely criticized to lack key competences and must be deemed as misplaced in the role as the decision maker on asylum claims. The persuasive argument that "the law [on asylum] is more liberal than the [asylum] practice", which was pointed out by Bohmer and Shuman, seem to hold particularly true in the Greek context (Shuman and Bohmer 2008:78).

Lawyers in Athens have underscored that the assessment and adjudication of asylum claims is centred on the principle of credibility. However, they have equally stressed that the assessment of credibility in the asylum process is a highly problematic endeavour. In general asylum applicants are supposed to make all efforts to provide written documents to corroborate their claims with more "objective" evidence. The process of providing such documents were yet described by many of my Afghan interlocutors as extremely difficult and uncertain in their outcomes. The conversations with refugees hinted also to the circumstance that not only issuing such documents is difficult, but that the Greek authorities also seem to set the standards of proof at a level that is far too high to be reached. Jaheed's story illustrates how the Greek state demands from a privileged position for corroborative

documents while the asylum applicants are in the disadvantaged position struggling to meet the state's expectations and deliver the requested documents.

I used to be a member of the Maoist Communist Party in Afghanistan, which is illegal and not tolerated by the Taliban. For the asylum claim here I could manage to collect some documents as evidence- it was very difficult but I had some contacts and good friends back in Afghanistan and Pakistan who helped me on that. For example I managed to get a confirmation of the party about my active engagement. The Greek police asked for all kinds of documents. There was also this statement, the police demanded for an official statement by the UNHCR in Afghanistan and they should send it to them. But that was something that could not be done, and this request was also totally absurd it did not make any sense at all.

Interview with Jaheed, Afghan asylum seeker, March 22, 2012

In order to increase the chance for a successful outcome, asylum seekers need to corroborate their claims with official documents and official statement. As Jaheed's story illustrates this task ranges from difficult to absolutely impossible. Afghan refugees seem to have special difficulties with the provision of official documents, since a war-torn country like Afghanistan does not issue documents in the same scale or meticulous manner as European countries usually do. Nevertheless, in the Greek asylum practice, the lack of official documents is likely to become the claimant's Achilles' heel.

Because of this difficulty of providing documents, asylum applicants with credible stories should according to the law be given the benefit of doubt even in the absence of such evidence (Good 2007: 242; Shuman and Bohmer 2008: 116). But when is an applicant's account credible and what does "credible" actually mean? The UNHCR Handbook (1992) gives some elucidation on these questions and suggests how credibility can be assessed. In the UNHCR's view an applicant's story should be regarded as credible, "unless there are good reasons to the contrary" and as long as the applicant's statements are "coherent and plausible" and do "not run counter to generally known facts" (UNHCR 1992: : ¶196,¶204). The following task is to demonstrate on the basis of my ethnographic findings how these specifications remain of little practical value in the process of status determination. Through my informants' statements the hypothesis was fostered that with "proper" interrogation strategies even applicants with good claims can be rejected. The ambiguity in the

assessment of credibility leaves enough room for interpretation through which the Greek state can forge the asylum practice in accordance to its own interests.

A key insight which crystallized from the various interviews is that in the Greek asylum process claimants without corroborative evidence can be easily rejected on various factors related to credibility. Mr. Spyros Koulocheris put it bluntly “if the Greek police want to reject a case due to a lack of credibility, it is very easy to do so, they just need to ask the right questions.” (Interview with Spyros Koulocheris, lawyer at GCR, March 22, 2012). It seems that asylum seekers especially at first instance, where a police officer interviews them, are in a similar position like criminals in the penal investigation (see Fuglerud 2005: 311). Although asylum seekers whose accounts appear credible should receive the benefit of doubt, in the eyes of the Greek police it seems that all “asylum seekers are guilty until proven innocent” (Shuman and Bohmer 2008:11). Like the penal investigation, the asylum process is an interrogation, dominated by the search for the “truth” (see Foucault 1995). Similarly to what Bohmer and Shuman wrote about the asylum process in the US and the UK, in Greece the asylum interview seems to be less a fact finding inquiry than a search for inconsistencies on whose basis the applicants’ credibility can be attacked (Bohmer and Shuman 2007:607).

Also Mrs. Komita’s statements capture the asylum practice in the same light.

Actually in the procedure it is very easy to say for the police the applicant is not telling the truth and to cast doubt on his credibility. The police might say I don’t believe you because the applicant was asked about, let’s say the name of some mountains in the area which he stated to have lived and he does not know, or the distance between two cities that he mentions in his story, or also because he cannot clearly explain why he became the target of persecution by his own government or by other groups let’s say. But, how? You cannot know everything. Ask me now which are the names of the mountains around Attika - maybe I won’t be able to answer correctly. Actually applicants are very frequently asked about such things and about so many details, and if a refugee does not know his inability to answer what they [the police] might regard as a basic question, or also when he answers incorrectly this can be all a reason for rejection. This ability to answer may really decide over a rejection or an acceptance.

Interview with Katherina Komita, lawyer at the GCR, March 20, 2012

These statements show very clearly how problematic the assessment of credibility in the asylum practice is. A (cultural) misconception of those facts that should be “generally

known” or investigations into details, which sometimes lie unsurprisingly outside the applicant’s own comprehension, e.g. the motives of his persecutors, can provide the basis on which the police can reject an asylum seeker. The Greek asylum investigation seems to be all about “ asking for memories, [and] the questioners identify what the appellants have forgotten” (Bohmer and Shuman 2007:606). If the police can find gaps in the applicant’s memory or an inadequate knowledge of what is regarded as a “generally known fact”, it poses a dilemma to the potential refugee. Either he can admit that he does not know or cannot remember, or he might risk giving an answer, which will turn out to be incorrect or might prove incoherent with other parts of his story. In both cases the credibility can be questioned and the asylum claimant can be rejected due to lack of credibility.

Another aspect that causes frequently confusion in the asylum process and can easily weaken the claimant’s credibility regards dates. A clear outline of important dates and their stringent correlation to important events, such as the adherence to a chronological order in the account, are however aspects scrutinized most carefully by Greek asylum officials (Interview with Katherina Komita, lawyer at the GCR, March 20, 2012; Interview with Spyros Koulocheris, lawyer at GCR, March 22, 2012; Interview with Spyros Risakos, director at Aitima, March 20, 2012). For most asylum seekers it is very difficult to remember the exact date of certain events. However, the fixation on dates is more a cultural and particular a Western concepts than common sense. Dates in connection with events are not naturally remembered but rather actively memorised (Good 2007; Shuman and Bohmer 2008).

Asylum seekers who have difficulties in clearly remembering dates due to their cultural origin, are clearly disadvantaged in the asylum process. They are confronted again with a dilemma. Either the applicant admits to be unable to answer or he tries to answer in order to fulfil the expectations of the asylum officer and guesses at dates that might turn out to be false in the end. Whatever an asylum applicants decides to do it can easily cast doubt on his credibility (Kalin in Bohmer and Shuman 2007: 608). Afghan asylum seekers are in this respect especially disadvantaged. Many of them are very low educated and furthermore Afghans follow a different calendar. The calendric system which Afghan asylum seekers follow is in years and months out of the phase of the Western Gregorian Calendar. Even if dates are remembered by Afghan applicants converting these dates into Western dates

results often in erroneous transpositions. All this is further exacerbated when dates must be correctly transposed, while it must be simultaneously translated from Farsi or Dari into Greek. Thus, even if remembered, dates are, particularly for Afghan refugees due to different calendric systems, like a minefield in the asylum process. Each chronological mistake or inconsistency can have detonating effects on a case.

Other aspects which were also frequently stated as being likely to have negative impacts on the outcome of a case were whenever the applicant has lived for many years in transit or when he was smuggled into the country. Many Afghan refugees for example have lived sometimes for several years, e.g. in Iran, Pakistan or Turkey prior to their journey to Greece which might be used against them. However, in these countries Afghan refugees can usually only live illegally and additionally there are no rights in place that could protect Afghan refugees from forced repatriations which put their lives in jeopardy.

There were also some clues on dubious and also illegal state practices in the context of asylum. Firstly, several of my informants have indicated that the Greek state has installed a backdoor for an arbitrary asylum practice at first instance. Although the general secretary of the police has to reveal his decision on an application in front of the asylum seeker and the UNHCR consultant, this is not necessarily the final decision. Lawyers have stated that this decision must subsequently be confirmed by another authoritative body of the MoCP. At this stage a previous “positive decision can be turned into a negative decision. According to Mrs. Komita, “this is not an exceptional practice, it happens” (Interview with Katherina Komita, lawyer at the GCR, March 20, 2012). With this possibility to overturn a positive decision into a negative decision the Greek state seems to have preserved a considerable degree of bureaucratic arbitrariness and authoritarian power in the asylum practice.

Moreover, there were also several voices that have reported that the Greek authorities have conducted several times instant interviews at the MoCP, without previously announcing them to the applicants (Interview with Vasilis Ververis, legal consultant at the group of lawyers, February 12, 2012; Interview with Katherina Komita, lawyer at the GCR, March 20, 2012; Interview with Spyros Risakos, director at Aitima, March 20, 2012). It was stated that the Greek police cleared up public places in the city centre from illegal immigrants and brought those who had pink cards or claimed to be refugees to the MoCP in order to interview them immediately. In these procedures, “applicants were left without legal

assistance, they had no time to prepare themselves, could not bring additional documents, and interpreters were lacking so that sometimes the interview was conducted in a language which was not the applicant's mother tongue" (Interview with Spyros Risakos, director at Aitima, March 20, 2012). "In sweep operations by the police, which happened as far as I know at least 3 times, people were taken from the streets straight to Petrou Ralli in order to interview them there immediately. In these procedures of course the vast majority got rejected" (Interview with Katherina Komita, lawyer at the GCR, March 20, 2012). In this course of action the Greek state severely overrode refugee law. Asylum seekers' protection needs were violated and refugees' right to a fair procedure of their claims was denied. Even if these illegal state actions might not have been pursued in a systematic way and on a large scale, yet it demonstrates once more how easily the Greek state can break the law. Moreover, it shows how illegal state behaviour is likely to go even unnoticed and leaves the authorities who were responsible for the breach of law unpunished. It demonstrates the unequal distribution of power between the Greek state and Afghan refugees. It reveals the degree of authority by which the Greek state can rule over human beings and can deny fundamental rights, while it keeps its own state officials protected by a gigantic shield of sovereignty.

Some Numbers

Statistical data on asylum in Greece has remained thin and fragmentary. The statistics published by the UNHCR show that since the implementation of the transitional system there is a minor increase in recognition rates. In 2010 the recognition rate for refugees increased to 1,73% , after at least four consecutive years where it has never exceeded 0.05%. In 2011, the recognition rate for refugees fell again to 0.52%(UNHCR 2011b). In the same year recognition rates for alternative form of protection have according to Eurostat slightly increased. In 2011 Greece has ruled out 8.670 decisions in total. 8.490 claims were rejected and 180 accepted. Full refugee status was granted to 45 individuals or 0,52%. The rest received either subsidiary protection (85 individuals, or 0,98%) or humanitarian status (45 individuals or 0,52 %) (Eurostat 2012). For comparative purposes, while Greece registered in 2011 9.300 new applications in total, France registered 56.250 which was the highest registered number in the EU. One can surmise that France might due to the pressure on its asylum system be inclined to adopt a restrictive stance on asylum, reflected in a relatively low recognition rate. Yet, the recognition rate for refugee status at first instance in

France in 2011 is with 7.9% still considerable higher than the recognition rate in Greece with 0.52%, or 1,73% of the previous year. The EU27 average acceptance rate for refugee status at first instance is 12%, for subsidiary protection 9% and for humanitarian status 4% which once more emphasizes how low Greece's recognition rates in fact are (Eurostat 2012).

Reforms have been made only very recently and the changes in Greece's acceptance rates can yet not be regarded as indicators for new trends. Developments in the next years must be observed with heightened attention. The developments especially regarding the recognition rates for refugee status must be carefully monitored. The recent shift away from full refugee status to alternative protection should also be carefully observed for the future. The Greek state could try to supplement the refugee status by alternative forms of protection which has been described by several authors as a common strategy of states to escape from international obligations (Agier 2011; Koser 2007). Subsidiary or humanitarian protection status in Greece grant fewer rights and are temporarily more restricted than full refugee status (2 or 3 years instead of 5 years). This makes it easier for the state to rid itself again from undesired people and keep costs and responsibilities as low as possible. Furthermore, alternative forms of protection are not enshrined in international law and with such a manoeuvre the Greek state might try to re-locate protection benefits firmly into its own executive power and might try to install a backdoor from where to escape from international laws and its ensuing legal obligations (see Agier 2011:22-23; see Koser 2007:239-240).

Although the Action Plan initially declared to disengage the police until January 2012 from the asylum procedure this has not yet happened. A second deadline was set in September 2012, which was also not adhered to. The Greek government has announced clear and detailed plans until when and how an improved asylum system can be establish which will be finally independent from the police. Yet until today it is unclear when the state and the EU can actually provide the necessary resources (financial and human) to realise the plans for the new asylum system. In the time of the crisis it is likely that the implementation of the new reforms will be further delayed. As long as the asylum decision at first instance remains in the firm hand of the Hellenic police it is doubtful that asylum seekers will get a fair assessment of their claims.

Second Instance

Until recently asylum seekers who were rejected at first instance had only 10 days to submit an appeal. The legal reforms extended this severely limited time window and allow nowadays 30 days for appeals. However, in case an applicant's claim is regarded as clearly unfounded, his case will be processed in an accelerated form, where he has only 15 days the right to appeal. The decisions for the "fast track" seem to be mainly guided by stereotypic assumptions and by some country lists (Interview with Spyros Koulocheris, lawyer at GCR, March 22, 2012). The accelerated procedure needs to be viewed critically, since as several authors have cautioned "[m]aking the process faster, is likely to make it less fair" (Shuman and Bohmer 2008:73).

In case the asylum seeker missed his appointment for an appeal hearing he is excluded from the asylum procedure. Refugees can miss such appointments for various reasons. Sometimes they seem not to have fully understood the importance of their attendance and dire consequences of their absence in these interviews. In other cases, asylum seekers lacked the financial means to attend the hearing at the given date. While staying in Athens I have personally experienced the frequency with which the public transport system in Athens collapsed due to strikes. This has corrosive effects on the mobility of citizens and especially of asylum applicants. Some asylum applicants I met in Athens have actually missed their interviews because they could not afford to pay for a taxi to get to the MoCP at a time where public transport system was out of service. Even if asylum authority can allow for exceptional reasons that applicants can re-enter the procedure such practical reasons as mentioned here will not be accepted.

In contrast to the first instance, the general asylum procedure at second instance was assessed by all my expert informants as a great progress. With the introduction of the transitional system at the end of 2010 new appeal committees have been installed. These committees conduct the interview at the appeal stage, and examine and assess the cases in a joint effort. According to the lawyer Mr. Risakos, "at second instance, asylum seekers get a largely fair examination of their claims, in respect to European standards" (Interview with Spyros Risakos, director at Aitima, March 20, 2012).

At the time of my research a total of 10 appeal committees have been established. 3 committees were dealing with new incoming appeals, while 7 ones were clearing up

Greece's large backlog. Meanwhile the country's asylum backlog could be reduced from about 47 000 cases at the end of 2010 down to an estimated number of 32 000 pending cases (Interview with Stella Nanou, public information associate at UNHCR Greece, March 28, 2012).

All appeal committees at second instance consist of one state official and two independent experts, one from the UNHCR and one from the National Commission for Human Rights (NCHR). My expert informants have stressed that the interviews at the appeal stage are substantial and much more thorough than interviews at first instance. An important detail should be added here.

Whatever an applicant said at first instance is in a file and matters also at second instance. It will be examined all together. It is always difficult to change what was said in the initial interview. Whenever the applicant changes something in his story he must have good reasons and explain why, otherwise it can be turned against him.

Interview with Spyros Koulocheris, lawyer at GCR, March 22, 2012

Inconsistencies or conflicting statements between the initial interview and the interview on appeal stage can give a basis on which credibility can be questioned. This can weaken the applicant's claim considerably, regardless under which conditions the applicant was interrogated initially.

However, on appeals not a single state official has the power to decide, but the whole committee decides in a majority vote. It must be stressed that to all who are not directly involved in the decision making process, the question how these decisions are actually reached remains fully unclear. "There is no way for outsiders to know how decisions were in fact reached, and even decision makers themselves may not be fully able to reconstruct that process" (Good 2007: 240). Decision making on asylum claims in Greece seems to resemble a kind of black box. Yet, since there is only one state representative and two non-governmental experts, it may be presumed that the state's influence and arbitrary power in the decision making process on appeal stage could be diminished. Informants consistently stressed that the recognition rates have risen. However, the number of processed cases has remained low and statistical data on asylum is as mentioned very thin. In 2010 the refugee recognition rate soared up to 85,3%. However, this number cannot be regarded as

representative, since in this year only 45 appeals in total have been processed. Out of this number 35 appellants received a positive decision and were all granted full refugee status (UNHCR 2011b).

According to a report by Human Right Watch, the refugee recognition rate for first and second instance stood in Greece at 12,35% in the first 7 months of 2011. Compared to the year 2010 with 3.453 total examined cases and only 41 appeals, Greece could profoundly increase the total number of examined appeals and pending cases. With the second instance appeal committees in place Greece makes clear progress with the backlog clearance (Interview with Stella Nanou, public information associate at UNHCR Greece, March 28, 20012).

While there are considerable improvements at second instance some problems still remain. One major shortcoming in appeal hearings and also in first instance interviews is the lack of sufficient and competent interpreters in Greece. It must be underscored, that the role of interpreters in the asylum process can hardly be overestimated. “[M]ost asylum applicants are utterly dependent on the skills of interpreters ” (Good 2007:153). Interpreting in the asylum process is a complex and demanding task and it entails much more than merely translating. One must acknowledge that subliminal meanings can be conveyed through a particular use of language or a specific mode of translation which might be crucial in its cumulative effect. Minor translation mistakes or inaccuracies can create a lot of confusion and can have a corrosive impact on the outcome of a case. Inaccurate or false interpretation can drastically reduce the credibility and/or the plausibility of an asylum story. The effects of inadequate interpretation on the outcome of a case can range between negative to absolute destructive (Good 154-170; Shuman and Bohmer 2008). Mrs. Komita has loudly lamented over the low quality interpretation asylum claimants usually get in Athens. She points at roots and frequency of translation problems in the Greek asylum process and how she conceives herself as a lawyer.

We have a big problem with interpreters here in Greece, since not all of them have sufficient skills. I mean, first of all the interpreters are usually not proficient in Greek, then the asylum seeker might speak a particular dialect which is slightly different to the dialect the interpreter speaks. So often they don't translate correctly and misunderstandings come up very easily. Also, some of the refugees have been tortured and it is very difficult for them to speak about all their traumatic experience, especially in front of the authorities.

Then, there is easily confusion also for the interpreter. So, I feel many times compelled to interrupt or to interfere in order to correct some details, which were not translated right or to clarify the whole thing. Sometimes I think it is necessary to give further explanations or add something that was left unmentioned, because otherwise it would cause misunderstandings. Somehow I feel like a saviour. What I see as one of my main missions in the interviews is actually to make sure that the story is told correctly and that important details are pointed out.

Interview with Katherina Komita, lawyer at the GCR, March 20, 2012

Interpreters who lack proficiency in the Greek language and also in the applicants' dialect are a widespread problem in the Greek asylum process. Defective interpretations can create pitfalls for asylum applicants from where they cannot dig themselves out alone. Even minor inconsistencies in an applicant's claim can cast doubts on the plausibility and credibility of an applicant's story. Thus, imprecise interpretation can in the worst case lead to a rejection and put the claimant's life at stake. Since lacking clarity or precision in the applicant's story can have dire effects for the asylum decision the GCR lawyer considers herself as "a saviour" and is compelled to interfere in these moments where important aspects must be clarified.

In general asylum examinations easily fall prey to lacking understanding, prejudices, and ethnocentric views due to differences in cultural, political and social backgrounds. Sometimes additional explanations must be provided in order to avoid misunderstandings or premature judgements. All this, once more underlines how disadvantaged asylum seekers are in the Greek asylum process, which is exacerbated by unskilful interpretation.

In short, besides the frightening frequency of imprecise interpretations the discussion and ethnographic data has revealed how often applicants' stories get narrated through others, and are misunderstood, messed up, clarified or explained by others.

Mrs. Komita, also pointed at another problem many authors have elaborated on: it is the circumstance that "stories of the horrors of persecution often don't lend themselves to the kind of presentation demanded by the authorities" (Shuman and Bohmer 2008:5). The victim's memories of traumatic experiences remain often fragmented and unclear. Lack of details of such traumatic experiences and blurry memories often prompt the asylum authorities to raise doubts on the credibility of the story (Turner in Good 2007:193). Those details seem to be yet of the utmost importance in the asylum process and are likely to

decide on the outcome of the case. According to Mrs. Komita, a Kurdish applicant with a story of trauma was turned down at first instance due to a lack of credibility.

He has been tortured in a police station in a city of Turkey 10 years ago. He had a problem with his eyesight and he has been tortured for many hours. He was asked [by a Greek asylum officer] about how many hours he has been tortured and of the exterior of the building of the police station - which could be anyway very different from now. He was seriously asked these two questions and he could not answer. They rejected him because of lack of credibility.

Interview with Katherina Komita, lawyer at the GCR, March 20, 2012

In conclusion, this chapter directed the attention on the current asylum process and its related practice at first and second instance. The ethnographic research in Athens has revealed two major aspects: First, the difficulty to enter the asylum process and secondly, which kind of difficulties or inequities asylum applicants generally face at different stages of the asylum procedure. A major problem in Greece is on the one side the underdevelopment of the state's institutional underpinnings for asylum such as severe shortages in qualified personnel in this field. On the other side also NGOs suffer from very limited resources (financial, personnel or institutional) so that they cannot compensate the state's deficits. The effects are that the enforcement of refugee's rights is seriously weakened, a highly asymmetric power distributions between the Greek state and Afghan refugees is create and a fair asylum jurisdiction is impeded.

The established structures, state institutions and quasi-judicial bodies in the context of asylum seem to serve the state's interests much better than they serve Afghan refugee's needs and rights. Through these institutional foundations the Greek state seems to find modes through which it can dominate refugees and asylum seekers, transcend legal frameworks on national and international levels and govern in antidemocratic ways and with sovereign power.

For most Afghan refugees the asylum process is a deeply distressing or even traumatic experience. I would like to make some final remarks that try to capture the position of the asylum seeker within a wider social context and in relation to the essential question of power distribution. Once more it must be emphasized that refugees and asylum seekers in Greece are left with hardly any state support. As described in detail in this chapter there is

no legal assistance provided by the Greek state to asylum applicants and the situation is similar in respect to social welfare benefits. Asylum applicants do neither receive any basic allowance, nor does the Greek state provide sufficient reception places for them. There is a crude mismatch between available reception centres in Greece, estimated at 1.000 places and registered asylum applications, estimated at more than 30.000. (Interview with Spyros Risakos, director at Aitima, March 20, 2012; Interview with Anastasia Papa, social worker at MSF, November 24, 2011). Even though some refugee communities like the Afghan community in particular have built strong supportive national or ethnic networks in Athens in order to mitigate their predicaments and livelihood problems. Yet, Afghan refugees' general condition remains characterised by severe impoverishment that takes on inhuman dimensions. Many refugees are homeless, even women with their children and babies sleep outside on the streets and in parks. Those who manage to find accommodation usually live like Ezat in cramped and under-facilitated apartments.

After some weeks I found some Afghans who helped me. Now I am living at Victoria Square, in a small apartment with 18 other Afghans. We share two rooms, but we have no electricity or hot water. Anyway it is still better than sleeping outside.

Interview with Ezat, an Afghan refugee, March 17, 2012

Ezat's housing condition was either exceptional nor the most shocking story I have heard in Athens or what I have seen in Athens with my own eyes. In Greece and in particular in Athens the conditions in which Afghan refugees and "asylum seekers live [...] prior to a decision on their application are increasingly dehumanising" as Koser has aptly stated (Koser 2007: 235). In Athens Afghan refugees are preoccupied with the challenges associated with mere survival. In their daily live they struggle to sustain life, to supply for their essential needs, to find food, clothing, housing, health care, some education opportunities for their children and many other daily and essential tasks. On top of all that, many Afghan refugees have not arrived in their best condition and most of them are full of worries, mentally unstable and many are traumatised. Yet, asylum applicants in Athens have not only to make all efforts to meet their daily subsistence needs, but they are also confronted with the Herculean task to fight the Hydra of the Greek asylum system. "Applicants for asylum are caught between exile and legitimate status, a liminal state" which is psychologically gruelling for any human being entwined in such a state(Bohmer and Shuman 2007: 624). This

existential insecurity is prolonged due to the extremely slow moving cogs in the Greek bureaucratic apparatus. This liminal and insecure state lasts for refugees in Greece often for many years for some it even lasts more than a full decade.

I have applied for asylum in September 2001. I was rejected. Until today I am waiting to get a second interview but I still don't know when. They haven't said anything. When I came here I was still young, now I feel old, I am so exhausted. For everything here I was fighting so hard, and I could always lose it anytime again. They can still take it away from me. They have already taken all these years, yes they have stolen all these years of my life.

Interview with Mubarak, Afghan Asylum seeker, March 6, 2012

The overly slow asylum process and Greece's ineffective legal and bureaucratic processes produce crudest forms of social and political exclusion of human beings. Refugees genuinely in need of protection are in Athens incarcerated by the bars of bureaucracy in "a lengthy asylum procedure [that] [...] hardly [gives] evidence for fulfilling a humanitarian obligation" (Koser 2007: 240). The asylum process is a struggle between asylum applicants and the Greek state about rights and obligations. The ethnographic insights have shown that this struggle between asylum applicants and the Greek state resembles somehow the battle of David against Goliath. However in contrary to the biblical story, in the stories which I have heard in Athens the refugees never have emerged out of this battle as the heroic victors.

What was attempted in this chapter was to cast light on the many aspects where the power distribution in the asylum process is clearly tilted towards the side of the Greek state. In many ways asylum applicants are overly disadvantaged and the capacity to change certain parameters in political, legal, and institutional structures is exclusively reserved to the Greek state. Even if the Greek state has improved several aspects in its asylum system, in the context of the Greek economic crisis it will be hard to pull the full implementation of the action plan through. Greece steep economic downturn seems to have minimised the sympathy to strangers. It is a time of increasing social tension and societal anguish in which the suffering of foreigners has not the same currency as the suffering of Greeks, which is certainly not to underrate either. Personally, I think that Greece will still need several more years to profoundly improve and restructure its migration and refugee management and ensure compliance with European standards and international laws.

Conclusion: Danger and Prospects

I am still waiting for a decision on my asylum claim. I am tired and I feel mistreated. It is simply unjust. I mean I am not asking for much, but this is my right as a refugee, but here I don't have anything. There is no place here for me. But every human being needs a place to be. Not just humans, if you are a bird and your nest is destroyed you will fly somewhere else to build a new nest. I tried, but it seems I can't.

Interview with Mubarak, Afghan Asylum seeker, March 6, 2012

After more than 10 years the Greek state has not ruled out a final decision on Mubarak's asylum claim. The Afghan man in his late 30s has been living for more than a decade every single day in political insecurity. He is one example that illustrates the crude form of political exclusion the Greek state inflicts on asylum seekers. This protracted political insecurity seems to destroy every possibility to lead a normal life. Even if Mubarak will be finally granted the right of protection nobody can ever pay back these years where he has been living under the sword of Damocles- a common lot of asylum seekers in Greece.

The increased mobility and increased scale of international migration certainly poses challenges to modern states and their governance (Good 2007: 267). In the recent past, Greece has also become affected by increased numbers of immigrants and refugees. The persisting human influx seems to have overburdened the state's institutional and bureaucratic capacities and exposed a rudimentary developed migration regime devoid of essential political and legal structures. However, even with intensified border surveillance and expanding gate keeping practices, Greece just like any other modern state cannot seal off its borders from human beings on the move. The movement of people and refugees across national borders will persist and it is one result of the dynamic and complex processes of today's globalized world (see Nyers 2006; see Papademetriou 2011b).

The overall goal of this study was to explore how the Greek state currently governs over Afghan refugees and asylum seekers on its territory. This work tried to shed light on the relationship between the Greek state and Afghan refugees in terms of power and constituted an attempt to trace the various ways in which the state's power is exerted over alien bodies. It must be clear that this small scale qualitative study is not sufficient for a

complete understanding and full analysis of the whole complex of various techniques by which the Greek states actually manages and controls migrants on its territory. However, some preliminary findings and conclusions have emerged through the course of this study that will also provide a basis for some prospects.

The present analysis suggests that the relationship between the Greek state and Afghan refugees is fundamentally a relationship of violence and highly unbalanced power. In the governance of refugees the use of violence and excessive exertions of power by the Greek state play an important role. The ethnographic inquiry has revealed several moments in which the Greek state employs sovereign power on the bodies of refugees leaving physical and psychological marks. Besides, the sovereign power employed by the Greek state can decide over life and death. In Greece human beings from outside who are deemed dangerous, unnecessary or burdensome can be eliminated by state authorities. Especially at the borders, sovereign power manifests through the practices of powerful authorities that rule with excessive and arbitrary violence over refugees. The Greek border regions have emerged through the ethnographic inquiry as an exceptional space where gross human rights violations have their permanent place. In the hidden zones of the border regions the state's agents and guardians of the nation transgress the legal order with impunity.

While investigations into the border regions might be difficult and also dangerous only further research in situ can shed more light on the de facto practices in these exceptional spaces and can reveal the full extent of this disturbing concurrence of modern political practices with archaic violence and life effacing injustice against migrants. However although the Greek state combines modern techniques of migration management with excessive and violent performances of power it has remained strangely impotent against illegal immigrants that continue to cross its borders. Even the Greek state's wasteful, irrational, arbitrary and ruthless use of power, yet, cannot stop or deflect the transnational movement of people away from Greece.

Besides, there is this point of friction that the Greek state is actually in demand of large scale immigration since it is the most feasible means to stabilize and maintain the country's economy in future. Greece is in need of immigrants not only because of their cheap labour force but also to bridge the demographic gap of an aging Greek population in the long term.

The study has also shown that while the Greek state seems to be due to its porous borders on the one side territorially penetrable, Greece's political community seems to be on the other side, nearly impenetrable for immigrants. Asylum seekers who remain unregistered are totally unprotected and are an easy target for violence that might originate from police or other state authorities or also from members of the Greek society. Yet even applicants who undergo the asylum procedure suffer from protracted political liminality and social exclusion. Prior to a final decision of an asylum claim applicants encounter various constraints in enforcing their rights and the struggle to become included into the political community and be fully inserted into the political order of the Greek state is long and hard to win.

All this seem to lead to the circumstance that Afghan refugees who take flight from violence and persecution originating in their home countries are in Greece again threatened by violence and suppression of a foreign government. Afghan refugees can only assert their right for international protection in Greece under extreme difficulties due to an underdeveloped asylum system whose recent acceptance rates for refugees has been below 0,1%.

Potential refugees and unregistered asylum seeker who have entered the country illegally are perceived with other illegal immigrants as an assault on the Greek state and its political order. Foreigners without a fixed national belonging and without an ascribed status by the Greek state are politically and socially excluded and are stripped off of essential rights. Due to their lacking political status, undocumented asylum seekers and refugees can become the target of state violence, police abuse, detention, deportation, racist violence and any other possible form of crude social injustice – all of it is usually left unpunished. It can be suspect that the Greek state will not be able to solve its problems by its current recourse to state violence, increased incarceration and deportations of undesired migrants and refugees. The increased numbers of immigrants on Greek territory cannot be regarded as a transitional phenomenon and this is why the Greek government must finally drop the inclusive exclusion of Afghan refugees and find a more constructive and a more inclusive response to immigrants living in the Greek society.

Although the Greek government has driven forward wide-ranging asylum reforms which have considerably improved the current asylum system and practice, the analysis has still

revealed that several shortcomings and severe deficits remain in the transitional system. Moreover, it is relatively predictable that any further reforms will be delayed in the context of persisting economic problems and the strict austerity policies the Greek government has to impose on its population irrespective of massive protests.

A key problem in the area of asylum remains insufficient institutions and lack of qualified staff that are given the necessary resources to do a good job. As a result asylum applicants are stuck in the asylum system for years. Even though the reforms have increased the quality and operational pace of the Greek asylum system, it must be stressed that most applicants live prior to a decision of their claim in dehumanising conditions. As long as the institutional and personnel provisions are not established asylum seekers will be kept in a prolonged state of political and social insecurity concurring with poverty, marginalisation, poor physical and mental health.

The Greek state will need time and resources to fully restructure its asylum system and build up the necessary institutions with qualified personnel. Although the deplorable conditions in which refugees and asylum seekers suffer from in Greece are widely known, the EU remains apart from admonishing Greece for its non-compliance with EU standards remarkably inactive. When it comes to realising refugee rights there seems to be a problem of accountability between Greece and other EU member states. Many of my informants have stressed that since Greece is overburdened by the increased number of refugees and migrants, it can no longer manage these people in technical and ethical ways. While Greece can be blamed for having failed to build up the necessary institutions, the refusal of assistance in the field of asylum by other EU member states turns them into accomplices of the violence that is performed by Greek authorities on the body and souls of refugees and asylum seekers.

Due to a decision by the European Court for Human rights, since the beginning of 2011 most EU countries have suspended the Dublin II regulation on whose basis asylum seekers could be previously returned to Greece. As an instrument for EU migration management the Dublin II Convention was designed to prevent asylum seekers from submitting more than one application in several member states, and reduce the number of processed asylum applications in the EU. According to the regulation an asylum application must be examined by the state the applicant has set first foot on, when he entered the EU. After the decision of

the EU court most EU countries have stopped sending asylum seekers back to Greece, since the Greek government does not comply with EU standards for asylum. This is a progress, however, as a political measure it does not go far enough, since it does not alleviate the deplorable and dehumanising conditions in which most asylum seekers continue to live in Greece. In my opinion the only political measure which could assure a fair and ethical treatment of asylum seekers who are stuck in Greece without any subsistence aid and very limited job opportunities would be, if other EU countries took in asylum seekers from Greece and assessed their cases in their national asylum systems in a timely manner. Yet such political concern and such an act of human compassion in respond to the suffering of strangers is very unlikely in the current political practice of the EU, whose member states are primarily concerned with overcoming economic impasses, stimulate economic growth while cutting down welfare services.

All this shows once more how difficult it is to find a balance between rational politics and human ethics, and the political rights of sovereign states to control and manage individuals and populations on the one hand, and the pressing human needs of human beings who try to escape situations of persecution and violence on the other.

It is obvious that not all asylum applicants in Greece are genuine refugees, however the current asylum practice in Greece and the non-intervention of other EU member states are hollowing out the whole idea of asylum. As the work has stressed at the beginning the concept of asylum itself already suffers from internal contradictions. It seems that transforming the current refugee regime is highly advisable but it can only be fully successful with a restructuring of the current world order. Yet, regarding these issues there might be more cause for pessimism than optimism.

Also the overall developments in Greece are deeply concerning. Refugees and asylum seekers in Greece are not given a real chance to move on with their lives. Living in a political grey zone and at the same time at the margin of society often precludes access to employment and the basic means to sustain a life in dignity. At the same time more and more Greek citizens live under conditions of increasing economic and social uncertainties. Rising numbers of Greeks are unemployed or work in temporal and instable conditions. A rising proportion of the population live without social insurance or any other welfare benefits; individuals and families who lost their homes live in cramped conditions with

parents or other relatives. These developments lead to growing social anguish, and intensifying social tensions. In this context of lasting political and social uncertainties xenophobia and hostility towards foreigners have surfaced and also racism and hate crimes against migrants in Greece seem to have reached an unprecedented frequency. Greek citizens struggling with their own life, often show very limited concern or understanding for the plights of refugees. Furthermore, Greeks and migrants live increasingly segregated from each other and their social interactions hardly overlap. The hospitality and sympathy left for foreigners and their predicaments seem to have decreased to a minimum.

The sharp inequalities that have also emerged among Greek citizens due to the persisting economic downturn and the political measures in response seem to have profoundly destabilized the whole social and political order in Greece. Also the lives of many Greek citizens is nowadays characterised by a radical insecurity and relative poverty. “[P]olitical democracy does not necessarily generate a rule of law that is democratic” (Holston 2008: 273). Following Agamben even democratic politics fundamentally rest on a deeply antidemocratic form of rule. The analysis has shown that the mode of governance with which the Greek state operates on the bodies of refugees and asylum seekers is in many aspects violent and ruthless. Also in many other areas of the Greek society, the Greek state has increased social injustice and power asymmetries. The danger seems to be that with sharpening social and political injustices produced by the governance of the Greek state democracy itself will be increasingly hollowed out and might wither away. It seems that democracy is already in various political and social arenas in the process of corrosion. The study seems to confirm, that there is a deeply arbitrary aspect in the state’s “legitimate” power and maybe Friedrich Nietzsche’s bashing critique on the concept of the state was hinting at it? “The state is the coldest of all cold monsters” (Nietzsche 2003: 75).

Bibliography

Books and Articles

- Agamben, Giorgio. 1998. *Homo Sacer: Sovereign Power and Bare Life*. California, Stanford: Stanford University Press.
- Agier, Michel. 2011. *Managing the Undesirables: Refugee Camps and Humanitarian Government*. Cambridge, Malden: Polity Press.
- Albert, M. 2010. "Governance and Prima Facie Refugee Status Determination: Clarifying the Boundaries of Temporary Protection, Group Determination, and Mass Influx." *Refugee Survey Quarterly* 29(1):61–91.
- Alonso, Ana M. 2005. "Sovereignty, the Spatial Politics, and Gender: Looking Noorth and South from the Us-Mexico Border." Pp. 27–52 in *State Formations: Anthropological Perspectives*, edited by Christian Krohn-Hansen and Knut G. Nustad. London, Ann Arbor: Pluto Press.
- Banki, Susan. 2006. "Burmese Refugees in Tokyo : Livelihoods in." *Journal of Refugee Studies* 19(3):328–344.
- Bianchini, K. 2011. "Legal Aid for Asylum Seekers: Progress and Challenges in Italy." *Journal of Refugee Studies* 24(2):390–410.
- Bibler Coutin, Susan. 2005. "Enacting Law through Social Practice: Sanctuary as a Form of Resistance." Pp. 278–288 in *Law and Anthropology: A Reader*, edited by Sally Falk Moore. Oxford, Victoria: Blackwell Publishing.
- Bislev, Sven. 2004. "Globalization, State Transformation, and Public Security." *International Political Science Review* 25(3):281–296.
- Bohmer, Carol, and Amy Shuman. 2007. "Producing Epistemologies of Ignorance in the Political Asylum Application Process." *Identities : Global Studies in Culture and Power* 14:603–629.
- Brown, Wendy. 2010. *Walled States, Waning Sovereignty*. New York: Zone Books.
- Brun, Catherine. 2001. "Reterritorializing the Relationship between People and Place in Refugee Studies." *Geografika Annaler. Series B, Human Geography* 83(1):15–25.
- Brysk, Alison, and Gershon Shafir. 2004. "Introduction: Globalization and the Citizenship Gap." Pp. 3–9 in *People out of Place: Globalization, Human Rights, and the citizenship Gap*, edited by Alison Brysk and Gershon Shafir. New York, London: Routledge.

- Campbell, E. H. 2006. "Urban Refugees in Nairobi: Problems of Protection, Mechanisms of Survival, and Possibilities for Integration." *Journal of Refugee Studies* 19(3):396–413.
- Chimni, B. S. 2008. "The Birth of a 'Discipline': From Refugee to Forced Migration Studies." *Journal of Refugee Studies* 22(1):11–29.
- Clifford, James. 1986. "Introduction: Partial Truths." Pp. 1–26 in *Writing Culture: The Poetics and Politics of Ethnography*, edited by Clifford James and Marcus George E. Berkley, Los Angeles, London: University of California Press.
- Clifford, James, and George Marcus. 1986. *Writing Culture: The Poetics and Politics of Ethnography*. edited by James Clifford and George Marcus. Berkley, Los Angeles, London: University of California Press.
- Colson, Elizabeth. 2003. "Forced Migration and the Anthropological Response." 16(1):1–18.
- Comaroff, Jean, and John L. Comaroff. 2005. "Naturing the Nation: Aliens, Apocalypse, and the Postcolonial State." Pp. 120–147 in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World*, edited by Thomas Blom Hansen and Finn Stepputat. Princeton, Oxford: Princeton University Press.
- Crapanzano, Vincent. 1986. "Hermes' Dilemma: The Masking of Subversion in Ethnographic Description." in *Writing Culture: The Poetics and Politics of Ethnography*, edited by James Clifford and Marcus George E. Berkley, Los Angeles, London: University of California Press.
- Danopoulos, Andrew C., and Constantine P. Danopoulos. 2004. "Albanian Migration into Greece: The Economic, Sociological, and Security Implications." *Mediterranean Quarterly* 15(4):100–114.
- Davies, Charlotte Aull. 1999. *Reflexive Ethnography: A guide to researching selves and others*. London, New York: Routledge.
- DeWalt, Kathleen M., and Billie R. DeWalt. 2002. *Participant Observation: A guide to Fieldworkers*. Walnut Creek, Lanham: AltaMira Press.
- Dryden-Peterson, Sarah. 2006. "'I Find Myself as Someone Who is in the Forest': Urban Refugees as Agents of Social Change in Kampala, Uganda." 19(3).
- Fakiolas, Rossetos. 2003. "Regularizing Undocumented Immigrants in Greece: Procedures and Effects." *Journal of Ethnic and Migration Studies* 29(3):1–13.
- Fassin, Didier. 2005. "Compassion and Repression : The Moral Economy of Immigration Policies in France." *Cultural Anthropology* 20(3):362–387.
- Feldman, Gregory. 2012. *The Migration Apparatus: Security, Labour, and Policymaking in the European Union*. Stanford, California: Stanford University Press.
- Foucault, Michel. 1980. *Power/Knowledge Selected Interviews and Other Writings. 1972–77*. edited by Colin Gordon. Toronto, New York: Pantheon Books.

- Foucault, Michel. 1995. *Discipline and Punish: The Birth of the Prison*. New York: Vintage Books.
- Foucault, Michel. 2006. "Power, Rights, Truth." Pp. 541–548 in *Contemporary Political Philosophy: An Anthology*, edited by Robert Goodin and Philip Petit. Blackwell Publishing.
- Foucault, Michel. 2010. *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*. New York: Palgrave Macmillan.
- Fuglerud, Oivind. 2005. "Inside out: The Reorganization of National Identity in Norway." Pp. 291–311 in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World*, edited by Thomas Blom Hansen and Finn Stepputat. Princeton, Oxford: Princeton University Press.
- Good, Anthony. 2007. *Anthropology and Expertise in the Asylum Courts*. Abingdon, New York: Routledge-Cavendish.
- Gordon, Colin. 1991. "Governmental Rationality: An Introduction." in *The Foucault Effect: Studies in Governmentality*, edited by Graham Burchell, Colin Gordon, and Peter Miller. Chicago: The University of Chicago Press.
- Grabska, Katarzyna. 2006. "Marginalization in Urban Spaces of the." *Journal of Refugee Studies* 19(3):287–307.
- Hansen, Thomas Blom, and Finn Stepputat. 2005. "Introduction." Pp. 1–36 in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World*, edited by Thomas Blom Hansen and Finn Stepputat. Princeton, Oxford: Princeton University Press.
- Hansen, Thomas Blom, and Finn Stepputat. 2006. "Sovereignty Revisited." *Annual Review of Anthropology* 35(1):295–315.
- Herzfeld, Michael. 1992. *The Social Production of Indifference: Exploring the Symbolic Roots of Western Bureaucracy*. Chicago, London: The University of Chicago Press.
- Hindness, Barry. 2005. "Citizenship and Empire." Pp. 241–256 in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World*, edited by Thomas Blom Hansen and Finn Stepputat. Princeton, Oxford: Princeton University Press.
- Holston, James. 2008. *Insurgent Citizenship: Disjunctions of Democracy and the Modernity in Brazil*. Princeton, Woodstock: Princeton University Press.
- Hopkins, Gail. 2006. "Somali Community Organizations in." *Journal of Refugee Studies* 19(3):361–380.
- Hull, Matthew S. 2008. "Ruled by Records: The Expropriation of Land and the Misappropriation of Lists in Islamabad." *American Ethnologist* 35(4):501–518.
- Ignatieff, Michael. 2001. "Human Rights as Politics." Pp. 3–51 in *Human Rights as Politics and Idolatry*, edited by Amy Gutman. Princeton, Oxford: Princeton University Press.

- Jacobsen, Karen. 2006. "Editorial Introduction." *Journal of Refugee Studies* 19(3):273–286.
- Jacobsen, Karen, and Loren B Landau. 2003. "The dual imperative in refugee research: some methodological and ethical considerations in social science research on forced migration." *Disasters* 27(3):185–206.
- Karakasidou, Anastasia. 2002. "Rites of Purification, Acts of Retributions: Language and Representations of Identity in Northwestern Greece." Pp. 175–204 in *Locating Capitalism in Time and Space: Global Restructurings, Politics, and Identity*, edited by David Nugent. Stanford, California: Stanford University Press.
- Karamanidou, L., and L. Schuster. 2011. "Realizing One's Rights under the 1951 Convention 60 Years On: A Review of Practical Constraints on Accessing Protection in Europe." *Journal of Refugee Studies* 25(2):169–192.
- Kelly, Tobias, and Marie-Bénédicte Dembour. 2007. "Introduction: the social lives of international justice." Pp. 1–25 in *Paths to International Justice: Social and Legal Perspectives*, edited by Tobias Kelly and Marie-Bénédicte Dembour. Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, Sao Paulo, Delhi.
- Korf, Benedikt. 2004. "War, Livelihoods and Vulnerability in Sri Lanka." *Development and Change* 35(2):275–295.
- Koser, Khalid. 2007. "Refugees, Transnationalism and the State." *Journal of Ethnic and Migration Studies* 33(2):233–254.
- Krohn-Hansen, Christian, and Knut G. Nustard. 2005. "Introduction." Pp. 3–26 in *State Formations: Anthropological Perspectives*, edited by Christian Krohn-Hansen and Knut G. Nustard. London, Ann Arbor: Pluto Press.
- Kumar, Ranjit. 1996. *Research Methodology: A Step-By-Step Guide for Beginners*. Thousand Oaks, London, New Delhi: Sage Publications.
- Kvale, Steinar. 1996. *InterViews: An Introduction to Qualitative Research Interviewing*. Thousand Oaks, London, New Delhi: Sage Publications.
- Landau, Loren B. 2011. "Protection and Dignity in Johannesburg." *Journal of Refugee Studies* 19(3):308–327.
- Lauth Bacas, Jutta. 2010. "No Safe Haven: the Reception of Irregular Boat Migrants in Greece." *Ethnologica Balkanica* 14:147–167.
- Loizos, Peter. 1975. *The Greek Gift: Politics in a Cypriot Village*. Oxford: Blackwell Publishing.
- Loizos, Peter. 1981. *The Heart Grown Bitter: A Chronicle of Cypriot war refugees*. Cambridge: Cambridge University Press.
- Loizos, Peter. 2008. *Iron in the Soul: Displacement, Livelihood and Health in Cyprus*. New York: Berghahn Books.

- Lyon, David. 2001. "Under my Skin: From Identification Papers to Body Surveillance." Pp. 291–310 in *Documenting Individual Identity: The Development of State Practices in the Modern World*, edited by Jane Caplan and John Torpey. Princetown, Oxford: Princeton University Press.
- Mbembe, Achille. 2006. "The Banality of Power and the Aesthetics of Vulgarly in the Postcolony." Pp. 381–400 in *The Anthropology of the State: A Reader*, edited by Aradhana Sharma and Akhil Gupta. Malden, Oxford, Carlton: Blackwell Publishing.
- McKeown, Adam M. 2008. *Melancholy Order: Asian Migration and the Globalization of Borders*. New York: Columbia University Press.
- Navaro-Yashin, Yael. 2005. "Confinement and the Imagination: Sovereignty and Subjectivity in a Quasi-State." Pp. 103–119 in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World*, edited by Thomas Blom Hansen and Finn Stepputat. Princeton, Woodstock: Princeton University Press.
- Nietzsche, Friedrich. 2003. *Thus Spoke Zarathustra: A Book for Everyone and No One*. New York: Penguin Books.
- Nyers, Peter. 2006. *Rethinking Refugees: Beyond States of Emergency*. New York, London: Routledge.
- Ong, Aihwa. 1999. *Flexible Citizenship: The Cultural Logics of transnationality*. Durham, London: Duke University Press.
- Papademetriou, Demetrios G. 2011b. "International Migration: Global Trends and Issues." Pp. 13–36 in *Citizenship, Borders, and Human Needs*, edited by Rogers M. Smith. Philadelphia: University of Pennsylvania Press.
- Pink, Sarah. 2007. *Doing Visual Ethnography*. Thousand Oaks, London, New Delhi: Sage Publications.
- Pogge, Thomas. 2006. "Migration and Poverty." Pp. 710–720 in *Contemporary Political Philosophy: An Anthology*, edited by Robert Goodin and Philip Pettit. Malden, Oxford, Carlton: Blackwell Publishing.
- Riles, Annelise. 2006. *Documents: Artifacts of Modern Knowledge*. Ann Arbor: The University of Michigan Press.
- Rosas, G. 2006. "The Thickening Borderlands: Diffused Exceptionality and 'Immigrant' Social Struggles during the 'War on Terror'." *Cultural Dynamics* 18(3):335–349.
- Rose, Nikolas. 1999. *Powers of Freedom: Reframing Political Thought*. Cambridge: Cambridge University Press.
- Sainz-Pardo. 2002. "The Contemporary Relevance of the 1951 Convention Relating to the Status of Refugees." *International Journal of Human Rights* 6(2):23–34.
- Sankar, Pamela. 2001. "DNA-Typing: Galtons Eugenic Dream Realized?" Pp. 273–290 in *Documenting Individual Identity: The Development of State Practices in the Modern*

- World*, edited by John Caplan, Jane, Torpey. Princeton, Woodstock: Princeton University Press.
- Schmeidl, Susanne. 2001. "Conflict and Forced Migration: A Qualitative Review, 1964-1995." Pp. 62–94 in *Global Migrants, Global Refugees: Problems and Solutions*, edited by Aristide R. Zolberg and Peter M. Benda. New York, Oxford: Berghahn Books.
- Sharma, Aradhana, and Akhil Gupta. 2006a. "Introduction." Pp. 1–48 in *The Anthropology of the State: A Reader*, edited by Aradhana Sharma and Akhil Gupta. Malden, Oxford, Carlton: Blackwell Publishing.
- Sharma, Aradhana, and Akhil Gupta, eds. 2006b. *The Anthropology of the State: a Reader*. Malden, Oxford, Victoria: Blackwell Publishing.
- Shore, Cris. 2005. "The State of the State in Europe, or, 'What is the European Union that Anthropologists should be Mindful of It?'" Pp. 234–255 in *State Formations: Anthropological Perspectives*, edited by Christian Krohn-Hansen and Knut G. Nustad. London, Ann Arbor: Pluto Press.
- Shuman, Amy, and Carol Bohmer. 2008. *Rejecting Refugees: Political Asylum in the 21st century*. Abingdon, New York: Routledge.
- Silverman, David. 2006. *Interpreting Qualitative Data: Methods for Analysing Talk, Text and Interaction*. Thousand Oaks, London, New Delhi: Sage Publications.
- Skordas, Achilles, and Nicholas Sitaropoulos. 2004. "Why Greece is not a Safe Host Country for Refugees." *International Journal of Refugee Law* 16(1).
- Smith, Rogers M. 2011. "Introduction." Pp. 1–12 in *Citizenship, Borders, and Human Needs*. Philadelphia: University of Pennsylvania Press.
- Sulka, Jeffrey A., and Antonius C. G. M. Robben. 2007. "Fieldwork in Cultural Anthropology: An Introduction." Pp. 1–28 in *Ethnographic Fieldwork: An Anthropological Reader*, edited by Antonius C. G. M. Robben and Jeffrey A. Sulka. Malden, Oxford, Victoria: Blackwell Publishing.
- Szmagalska-Follis, Karolina. 2010. "What is an Economic Migrant? Europe's New Borders and the Politics of Classification." Pp. 115–134 in *Citizenship, Borders, and Human Needs*, edited by Rogers M. Smith. Philadelphia: University of Pennsylvania Press.
- Thompson, Paul. 2000. *The Voice of the Past: Oral History*. Oxford: Oxford University Press.
- Watters, Charles, and Didier Fassin. 2001. "Avenues of Access and the Moral Economy of Legitimacy." *Royal Anthropological Institute of Great Britain* 17(2):22–23.
- Wikan, Unni. 2002. *Generous Betrayal: Politics of Culture in the New Europe*. Chicago, London: The University of Chicago Press.
- Wolcott, Harry F. 2005. *The Art of Fieldwork*. Walnut Creek, Lanham, New York, Toronto, Oxford: AltaMira Press.

- Zetter, Roger. 1991. "Labelling Refugees: Forming and Transforming a Bureaucratic Identity." *Journal of Refugee Studies* 4(1):39–62.
- Zetter, Roger. 2007. "More Labels , Fewer Refugees : Remaking Label in an Era of Globalization." *Journal of Refugee Studies* 20(2):172–192.
- Zolberg, Aristide R. 2001. "Intoduction: Beyond the Crisis." Pp. 1–16 in *Global Migrants, Global Refugees: Problems and Solutions*, edited by Aristide R. Zolberg and Peter M. Benda. New York, Oxford: Berghahn Books.
- Zolberg, Aristide R., and Peter M. Benda, eds. 2001. *Global Migrants, Global Refugees: Problems and Solutions*. New York, Oxford: Berghahn Books.

Online Resources

- Amnesty International. 2010. *Greece: Irregular Migrants and Asylum-Seekers Routinely Detained in Substandard Conditions*. Retrieved November 20, 2012 (<http://www.amnesty.org/en/library/asset/EUR25/002/2010/en/07291fb2-dcb8-4393-9f13-2d2487368310/eur250022010en.pdf>).
- Chrysoloras, Nikos. 2004. *Religion and Nationalism in Greece*. Bologna Retrieved October 12, 2012 (<http://www.jhubc.it/ecpr-bologna/docs/123.pdf>).
- Collinson, Sarah. 2003. "Chapter 1 Introduction." Pp. 7–20 in *Power, Livelihoods and Conflict: case studies in political economy analysis for humanitarian action*, edited by Sarah Collinson. London: Humanitarian Policy Groups. Retrieved December 12, 2012 (<http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/289.pdf>).
- Die Zeit. 2010. "Der Kinderknast von Lesbos." Retrieved October 20, 2012 (<http://www.zeit.de/2010/06/DOS-Fluechtlinge>).
- European Commission. 2008. *Undocumented Migration: Counting the Uncountable. Data and Trends across Europe*. Retrieved October 10, 2012 (http://irregular-migration.net/typo3_upload/groups/31/4.Background_Information/4.4.Country_Reports/Greece_CountryReport_Clandestino_Nov09_2.pdf).
- Eurostat. 2012. *Asylum in the EU27: The Number of Asylum Applicants Registered in the EU27 Rose to 301 000 in 2011*. Retrieved November 2, 2012 (http://epp.eurostat.ec.europa.eu/cache/ITY_PUBLIC/3-23032012-AP/EN/3-23032012-AP-EN.PDF).
- Frontex. 2010a. *Extract from the Annual Risk Analysis 2010*. Warsaw. Retrieved October 22, 2012 (http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2010.pdf).

- Frontex. 2010b. "Frontex deploys Rapid Border Teams to Greece." Retrieved October 22, 2012 (www.frontex.europa.eu/assets/Media_centre/Press_releases/frontex_press_release_25-10-2010.rtf).
- Frontex. 2011. *Annual Risk Analysis 2011*. Warsaw. Retrieved October 22, 2012 (http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2011.pdf).
- Frontex. 2012. *Annual Risk Analysis 2012*. Warsaw. Retrieved October 22, 2012 (http://www.frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2012.pdf).
- Giannakoutis, Petros. 2012. "Samaras vergleicht Griechenland mit Weimare Republik." *Die Zeit* Retrieved (<http://www.zeit.de/politik/ausland/2012-10/samaras-griechenland-chaos>).
- Gropas, Ruby, and Anna Triandafyllidou. 2005. "Migration in Greece at a glance." Retrieved September 10, 2012 (<http://www.eliamep.gr/wp-content/uploads/en/2008/10/migration.pdf>).
- IOM. 2008. *Migration in Greece: A country Profile 2008*. Retrieved September 2, 2012 (http://www.iom.hu/PDF/migration_profiles2008/Greece_Profile2008.pdf).
- Kasimis, Charalambos. 2012. *Greece: Illegal Immigration in the Midst of Crisis*. Retrieved July 16, 2012 (<http://www.migrationinformation.org/Profiles/display.cfm?ID=884>).
- Maroukis, Thanos. 2012. *ELIAMEP Briefing Notes_21/2012 The number of irregular Migrants in Greece at the End of 2010 and 2011*. Retrieved June 29, 2012 (http://www.eliamep.gr/wp-content/uploads/2012/06/Briefing-Notes_21_June-2012_Thanos-Maroukis.pdf).
- Migreurop. 2009. *Europe's murderous borders*. Retrieved November 28, 2012 (<http://www.epim.info/wp-content/uploads/2011/02/Rapport-Migreurop-nov2009-en-final.pdf>).
- Migreurop. 2010. *European borders: Controls, detention and deportations*. Retrieved November 28, 2012 (http://www.migreurop.org/IMG/pdf/rapport-migreurop-2010-en_-_2-121110.pdf).
- Ministry of Citizen Protection. 2010. *National Action Plan for Migration Managemnet*. Athens Retrieved October 11, 2012 (http://www.ydt.gr/index.php?option=ozo_content&lang=EN&perform=view&id=3246&Itemid=443).
- Morehouse, By Christal, and Michael Blomfield. 2011. *Irregular Migration in Europe*. Washington Retrieved July 16, 2012 (<http://www.migrationpolicy.org/pubs/TCMirregularmigration.pdf>).
- Papachlimintzos, Costas. 2012. "Dendias sounds alarm on immigration." *Athens News*, August 6 Retrieved November 2, 2012 (<http://www.athensnews.gr/portal/1/57512>).

- Papademetriou, Demetrios G. 2011a. *Restoring Trust in the Management of Migration and Borders*. Washington Retrieved Junly 17, 2012 (<http://www.migrationpolicy.org/transatlantic/TCMStatement-Borders.pdf>).
- Shuman, Amy, and Carol Bohmer. 2010. "Narrating Atrocity: Uses of Evidence in Political Asylum Process." 1–21. Retrieved August 2, 2012 (<http://www.diis.dk/graphics/Publications/WP2010/WP2010-25-narrating-atrocity-web.pdf>).
- The Guardian. 2012. "Greek Crackdown on Illegal Immigrants leads to Mass Arrests." Retrieved November 26, 2012 (<http://www.guardian.co.uk/world/2012/aug/07/greece-crackdown-illegal-immigrants-arrest>).
- Triandafyllidou, Anna, and Michaela Marouf. 2009. "Greece : Immigration towards Greece at the Eve of the 21st Century . A Critical Assessment .". Retrieved October 14, 2012 (http://www.idea6fp.uw.edu.pl/pliki/WP4_Greece.pdf).
- UNHCR. 1951. *Convention and Protocol Relating to the Status of Refugees*. Retrieved November 4, 2012 (<http://www.unhcr.org/3b66c2aa10.html>).
- UNHCR. 1992. *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*. Geneva. Retrieved November 6, 2012 (<http://www.unhcr.org/3d58e13b4.html>).
- UNHCR. 2006. *The state of the World's Refugees 2006: Human Displacement in the new Millenium*. New York: Oxford University Press. Retrieved June 2, 2012 (<http://www.unhcr.org/4a4dc1a89.html>).
- UNHCR. 2010a. *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review*: Retrieved July 6, 2012 (<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=search&docid=4cd8f2ec2&skip=0&query=Evros+drowned+immigrants>).
- UNHCR. 2010b. *UNHCR Statistical Yearbook 2010*. Retrieved June 6, 2012 (<http://www.unhcr.org/4ef9cc9c9.html>).
- UNHCR. 2011a. *Global Trends 2010*. Retrieved July 23, 2012 (<http://www.unhcr.org/4dfa11499.html>).
- UNHCR. 2011b. *Statistical Infromatiion on Asylum in Greece (1997-2010)*. Retrieved July 20, 2012 (www.unhcr.gr/fileadmin/Greece/General/Statistics/BO_STATS_table_2010EN.doc).
- UNHCR. 2012. *Asylum Levels and Trends in Industrialized Countries: Statistical Overview of Asylum Claims in Europe and selected non-European Countries*. Retrieved July 23, 2012 (<http://www.unhcr.org/4e9beaa19.html>).

Weil, Patrick. 2006. "A Flexible Framework for a Plural Europe." Pp. 81–88 in *The Hampton Court Agenda: a Social Model for Europe*, edited by PolicyNetwork. London: Asset Graphics Retrieved Octobre 15,2012 (http://www.policy-network.net/publications_detail.aspx?ID=144).

Interviews

Interview with Christina Ziakas, social worker at *Youth against Racism in Europe (YRE)*, September 14, 2011

Interview with Aris Kondakas, social worker at *Praksis*, November 21, 2011

Interview with Anastasia, social worker at *Doctors without Borders (msf)*, November 24, 2011

Interview with Vasilis Ververis, legal consultant at *The Group of Lawyers*, February 12, 2012

Interview with Ghafour, Afghan asylum seeker, February 27, 2012

Interview with Yunos Daktar, leader of the *Afghan Refugee Community in Athens (ARCA)*, March 12, 2012

Interview with Ezat, an Afghan refugee, March 17, 2012

Interview with Stella Nanou, public information associate at UNHCR Greece, March 28, 2012

Interview with Katherina Komita, lawyer at *The Greek Coucil for Refugees (GCR)*, March 20, 2012

Interview with Spyros Risakos, director at Aitima, March 20, 2012

Interview with Spyros Koulocheris, lawyer at *The Greek Coucil for Refugees (GCR)*, March 22, 2012

Interview with Jaheed, Afghan asylum seeker, March 22, 2012

Interview with Mubarak, Afghan Asylum seeker, March 6, 2012

Appendix

Abstract

Greece and its Refugees: Protection Problems of Afghan Refugees in Athens is an ethnographic study that explores and analyses the modalities by which the Greek state governs over Afghan refugees and asylum seekers. It seeks to problematise the relationship between the Greek state and Afghan refugees in terms of power. Through a reading of key texts by Michel Foucault and Giorgio Agamben critical theoretical perspectives were developed. Grounded in the everyday experiences and protection problems of Afghan refugees and asylum seekers in Athens, the study sets off for investigations into two particular aspects of the Greek refugee regime: the migration management at the Greek borders and the asylum process and asylum practice in Athens. By focusing on these aspects, the work will reveal that refugees and asylum seekers in Greece can be subjected to arbitrary state practices as well as to violent and excessive forms of state power. In the governance of refugees the use of modern disciplinary power intimately intersects with the use of archaic sovereign power. The present analysis suggests that in the governance of refugees, the Greek state can act outside of the law with impunity and the use of violence and excessive exertion of power play an important role. The relationship between the Greek state and Afghan refugees is fundamentally one of violence and highly imbalanced power relations. This small scale qualitative research can only provide preliminary insights and is not sufficient for a complete understanding and full analysis of the modalities and techniques by which the Greek state rules over immigrants on its territory. The presented findings should be deepened or re-assessed by follow-up studies that carefully scrutinise the full strategic complex of state practices installed in the political realm of migration.

Greece and its Refugees: Protection Problems of Afghan Refugees in Athens ist eine ethnographische Studie um die Modalitäten der Machtausübung des griechischen Staates über afghanische Flüchtlinge und Asylsuchende zu erkunden und zu analysieren. Es geht darum die Machtverhältnisse zwischen dem griechischen Staat und afghanischen Flüchtlingen zu problematisieren. Vor allem durch das Lesen von Schlüsseltexten von Michel Foucault und Giorgio Agamben konnten kritische theoretische Perspektiven entwickelt werden. Die Studie ist verankert in den Alltagserfahrungen und Schutzproblemen von afghanischen Flüchtlingen und Asylsuchenden in Athen, von wo sie ihren Ausgangspunkt nimmt um zwei spezielle Aspekte des griechischen Flüchtlings Regimes zu untersuchen: der staatliche Umgang mit Migranten an den griechischen Grenzen und dem Asylprozess und der Asylpraxis in Athen. Der Fokus auf diese beiden Aspekte in der Forschung wird zeigen, dass Flüchtlinge und Asylsuchende in Griechenland willkürlicher Staatsausübung und gewaltsamer und exzessiver Staatsherrschaft unterworfen werden können. In der staatlichen Herrschaft von Flüchtlingen überschneidet sich die Anwendung von moderner biopolitischer Macht mit archaisch uneingeschränkter Gewalt des Souveräns. Die vorliegende Analyse zeigt, dass der griechische Staat in der Herrschaft von Flüchtlingen, sich ungestraft außerhalb des Gesetzes bewegen kann und dass zudem Gewalt und exzessive Machtausübung eine wichtige Rolle spielen. Das Verhältnis zwischen dem griechischem Staat und afghanischen Flüchtlingen ist fundamental von Gewalt und stark unausgeglichener Machtverteilung geprägt. Es muss betont werden, dass diese qualitative Forschung in einem kleinen Rahmen durchgeführt wurde und somit nur vorläufige Ergebnisse präsentieren kann. Die Forschung bleibt noch unzureichend für ein volles Verständnis und eine umfassende Analyse von den Modalitäten und Techniken mit denen der griechische Staat über Migranten auf seinem Territorium regiert. Die herausgearbeiteten Ergebnisse sollten vertieft und durch weitere Studien erneut geprüft werden, die darüber hinaus genauestens den gesamten strategischen Komplex der Staatspraktiken im politischen Feld der Migration untersuchen.

Curriculum Vitae

Sigrid Walch

Born September 28, 1984 in Tegernsee, Germany

E-mail: sigrid.8.walch@gmx.net

Education

- | | |
|-------------------|--|
| 06/2005 | “Abitur”(general qualification for university entrance) |
| 09/2006 – 11/2009 | Studies of Cultural and Social Anthropology, University of Vienna, Austria |
| 11/2009 | Bachelor of Arts (BA) |
| | Title of empirical work:
<i>Breast Cancer as an Individual Illness Experience: Ways of conceiving a Postoperative Body and a Postoperative Self</i> |
| | Title of theoretical work:
<i>The Human Body and its Different Realities in Chinese and Western Medicine</i> |
| 10/2010 – 01/2013 | Postgraduate Course in Cultural and Social Anthropology: <i>CREOLE: Cultural Differences and Transnational Processes</i> , Joint Master Degree pursued at the departments of Anthropology, National University of Ireland, Maynooth and University of Vienna, Austria
Specialisation in the areas of migration and refugees, transnational and global processes, ethnography of the state |

Work experience

- | | |
|-------------------|--|
| 06/2004 – 08/2004 | participation in volunteer work in a village in Ghana (Volta Region) |
| 01/2010 – 03/2010 | Internship at the Society of Threatened Peoples/
Gesellschaft für bedrohte Völker in Berlin (www.gfbv.de),
Working on the desk of Eastern Europe and Russia with
the focus on Chechen refugees in Poland |
| 09/2011– 11/2011 | Volunteering at <i>Helping Hands</i> , in Athens, Greece |

03/2012

Volunteering at *The Greek Council for Refugees (GCR)*, in
Athens, Greece

Language skills

German (mother tongue: proficiency)

English (written and spoken: very good)

Greek (written and spoken: intermediate)