

**Labour Migration Governance in Times of Crisis:
Analysis of Policy Choices in Greece.**

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Abstract: This research examines the evolution of labour migration governance in Greece. It looks at the evolution of labour migration governance in Greece and the European Union, as well as theoretical approaches to migration governance. This need resulted from a shift in politics away from state-centred approaches and toward managing political issues through governance, that is, by including non-governmental agents in policymaking. This shift is evident both at the levels of the European Union and Member States. The notion that national sovereignty is undermined within the European Union has been further reinforced by the impact of EU laws, rules, and policies on policymaking in EU Member States.

Recent literature on governance has primarily focused on subnational and supranational levels, neglecting state-level actors. However, the author emphasises the importance of understanding governance at all levels, including macro, national, and subnational levels, to critically analyse its implications for all agents. The legal frameworks of the EU and Greece regarding legal migration are examined using primary and secondary research. Thematic analysis and social network analysis are also used to get insight into the views of the agents involved in Greek policymaking about the governance of labour migration in Greece.

The EU's ordoliberal rules are incorporated into national law and they prioritise labour market operation, affecting workers negatively, particularly third-country nationals, who are vulnerable and exploitable. However, the EU actively engages non-governmental actors in Greece's state politics, who despite opposing MRAs and neoliberal policies attribute the deterioration of foreigners' wellbeing to the Greek state's inability to provide better living conditions and not so much to the EU's ordoliberal policies.

Greece's labour migration governance is largely state-centric, with the EU's influence being significant. The most influential non-governmental agents (many of whom have a European and international presence), even though they participate in a fragmented network of synergies are heavily involved in the formulation and implementation of labour migration policies. This leads to a governance that reinforces both state authority and the growing presence and involvement of non-governmental actors.

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Abbreviations

ADEDY (Trade union of civil servants in Greece)
ALDE (Alliance of Liberals and Democrats for Europe)
ALMP (labour market policies)
AMAF (Amis de L’Afrique Francophone)
AMIF (Asylum Migration and Integration Fund)
AOM (Association of Mediterranean Ombudsmen)
ASB (Arbeiter Samariter Bund)
BCD (Blue Card Directive)
BVMN (Border Violence Monitoring Network)
CNI (Cities Network for Integration)
Code (Migration and Social Integration Code)
CRS (Catholic Relief Services)
CWEP (Centrum Wspierania Edukacji Przedsiębiorczosci)
DYPA-OAED (Public Employment Service)
DOPEL (National Interprofessional Table Olive Production Organization)
DRC (Danish Refugee Council)
EARN (Hellenic Network for the Fight against Poverty)
EASI (European Association for Social Innovation)

EBEA (The Chamber of Industry)
EC (European Commission)
ECR (European Conservatives and Reformists)
ECRE (European Council on Refugees and Exiles)
ECtHR (European Court of Human Rights)
EEDA (National Human Rights Commission)
EESC (European Economic and Social Committee)
EFA (Greens European Free Alliance)
EIB (European Investment Bank)
EKiR (Evangelische Kirche im Rheiland)
EKKE (National Centre for Social Research)
ELEDA (Hellenic League for Human Rights)
ELIAMEP (Hellenic Foundation for European and Foreign Policy)
ELSTAT (Greek Statistical Office)
ENAR (European Network Against Racism)
ENO (European Network of Ombudsmen)
ENP (European Neighborhood Policy)
ENPE (Union of the Peripheries)
EPAPSY (Association for Regional Development and Mental Health)
EP (European Parliament)
EPP (European People's Party)
ERDF (European Regional Development Fund)
ESC (Economic and Social Committee)
ESEE (Hellenic Confederation of Commerce)
ESF (European Social Fund)
ESPA (Sectoral, Regional and Cohesion Policy Programmes)
ESYF (Greek Association for Plant Protection)
ETHEAS (National Union of Agricultural Cooperatives)
EU (European Union)
EURES (European Employment Service)
FDR (Directive for Family Reunification)

FIERI (International and European Forum of Migration Research)
FRA (EU Agency for Human Rights)
GCR (Greek Council for Refugees)
GESASE (General Confederation of Agricultural Associations of Greece)
GFM (Greek Forum of Migrants)
GNCHR (Greek National Commission for Human Rights)
GSEE (General Confederation of Greek Workers)
GSEVEE (Hellenic Confederation of Professionals, Craftsmen, and Merchants)
HAEA Scientific (Association for Adult Learning)
HIAS (Hebrew Immigrant Aid Society)
HICs (High-Income Countries)
IAB (Independent Advisory Bodies)
ICMC (International Catholic Migration Commission)
ICMPD (International Centre for Migration Policy Development)
ICT (Intra-Corporate Transferees Directive) ICT (Information and Communication Technology)
IDP (Intercultural Dialogue Platform)
IKY (Foundation of State Scholarships)
ILO (International Labour Organisation)
IOCC (International Orthodox Christian Charities)
IOM (International Organisation for Migration)
IGOs (International Organisations)
IRAP (International Refugee Assistance Project)
IRC (International Rescue Committee Hellas)
ISCTE-CIES (Instituto Universitario de Lisboa)
KEDE (Central Union of Municipalities of Greece)
KEPAD (Center for the Defense of Human Rights)
KMOP (Centre for Social Action and Innovation)
KISA (Migration, Asylum, Racism, Discrimination and Trafficking)
JRC (Joint Research Centre)
LABC (UK Local Authority Building Control)

LMIC (Low- and Middle-Income Countries)

LTR (Long-Term Residence Directive)

MIC (Migrant Integration Council)

MPG (Migration Policy Group)

MPI-E (Migration Policy Institute Europe)

MRAs (Refugees, Asylum Seekers, and Migrants)

MS (Member State)

NCDP (National Confederation of Disabled People)

NGO (Non-Governmental Organizations)

NRC (Norwegian Refugee Council)

NTA (National Transparency Authority)

OLME (Federation of Secondary Education Officers)

OECD (Organisation for Economic Co-operation and Development)

OMKOE (Federation of Construction & Construction Enterprises of Greece)

PASEGES (Panhellenic Confederation of Unions of Agricultural Cooperatives)

PBS (Point-Based Systems)

PICUM (Platform for International Cooperation on Undocumented Migration)

RD (Directive on the conditions of entry and residence of TCNs for research)

RSA (Refugee Support Aegean)

RVRN (Racist Violence Recording Network)

QMV (Qualified Majority Voting)

SaviAV (Social Inclusion and Vocational Integration of Asylum Seekers and Victims of Human Trafficking)

SD (Directive on the conditions of entry and residence of TCNs for studies)

S&D (Progressive Alliance of Socialists and Democrats)

SEPE (Labour Inspectorate Agency)

SEV (Hellenic Federation of Enterprises)

SGN (Support Group Network)

SIRIUS (Sustainable Interdisciplinary Research to Inspire Undergraduate Success project)

SNA (social network analysis)

SOPEMI (Système d'Observation Permanente des Migrations Internationales)

SPEL (Association of Producers and Traders of Lubricates)

SYD (Greek Transgender Support Association)

SVE (Federation of Greek Industrialists)

SWD (Seasonal Workers Directive)

TCN (Third-country national)

TFEU (Treaty of Functioning of the European Union)

UNCHR (UN Refugee Agency)

EU Member States

Austria (AT)

Belgium (BE)

Bulgaria (BG)

Croatia(HR)

Cyprus (CY)

Czechia (CZ)

Denmark (DK)

Estonia (EE)

Finland (FI)

France (FR)

Germany (DE)

Greece (EL)

Hungary (HU)

Ireland (IE)

Italy (IT)

Latvia (LV)

Lithuania (LT)

Luxembourg (LU)

Malta (MT)

Netherlands (NL)

Poland (PL)

Portugal (PT)

Romania (RO)

Slovakia (SK)

Slovenia (SI)

Spain (ES)

Sweden (SE)

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Introduction

This thesis discusses the changes in labour migration governance in Greece from a political economy perspective. It examines the theoretical approaches to migration governance, before discussing the developments in labour migration governance in the European Union (EU) and Greece. This necessity has arisen from a sway away from state-centred politics toward handling political challenges through governance, meaning through the involvement of non-governmental actors in policymaking. This is evident at the European Union and Member State (MS) levels as well as it is a global trend. The thesis closely investigates whether the idea of governance undermines nation-state sovereignty. It emphasizes the impact of the European Union on Greek policymaking in addition to other non-state, actors in Greek politics, even though the state still serves as the basic level of analysis.

The research questions are the following:

1. What is the role of the state in labor migration governance?
2. What is the role of non-state actors in labour migration governance?
3. How does the EU migration governance evolve and to what extent does it influence politics in Member States?

This Thesis examines how the governance network of agents involved in labour migration issues in Greece is formed. It highlights whether the relationship between the agents is cooperative, confrontational, or neutral and how these relations can be reshaped for the benefit of the well-being of foreign workers and, by extension, Greek workers. In this way, the position of the state, the European institutions, and the non-governmental actors in the system of governance is highlighted and therefore it is answered whether the state has lost part of its sovereignty.

The state maintains its monopoly on force and authority through hierarchical sovereign action, using "command and threat" instruments. This "control over" behaviour remains key to international issues and international migration regulations. However, the concept of "governance" allows for vertical and horizontal shifts in decision-making, with integrated enforcement mechanisms between policymakers and implementers. It is closer to persuasion and solidarity mechanisms, with governance focusing on decentralisation of power and creating decentralised, informal, and collaborative systems of governance. A question that arises is whether labour migration governance in Greece is closer to the first or second paradigm.

Although the literature in recent decades has dealt with the concept of governance, research has more often focused on the subnational and supranational levels of action and their respective actors bypassing the state level. Often the focus is on how migration flows commence or how they affect society, but not how migration 'governance' changes politics, meaning how governance affects all actors and decision-making. However, as will be mentioned later, the author believes that all three levels of analysis are important, meaning the supranational (macro), national (meso), and subnational (micro) levels of analysis as there is a need for a comprehensive understanding of governance at all levels to critically analyse its implications for all actors. This thesis takes the view that governance, at least in the EU,

has managed to strengthen civil society and the state as it becomes, through the augmentation of rules, a vehicle for the diffusion of ordoliberal ideas in the EU. This perspective has been under-researched.

The assumption of governance balancing competing interest groups, as is often the case in literature, is difficult to reconcile with the complexities of and the differences in the European Union. The 'governance' scholars often overlook issues of power. However, differences in terms of policy participation are widespread at all levels, regional, state, and subnational in the EU. The ordoliberal stance in the EU creates national growth and workers of various speeds (this is evident in the case of Greece) and it is necessary to highlight whether this kind of governance also permeates migration policies and determines the role of the agents involved. Apart from the above weaknesses, this thesis will try to offer another innovation concerning research on Greece, where the role of non-governmental actors involved in migration policy has not been studied enough, while their network of collaborations has hardly been studied.

The subject of the research concerns labour migration governance and integration into the labour market and not issues related to security, therefore issues related to asylum and border management are not addressed. For the same reason, the emphasis of the research is on regular migrants more than on other foreigners, meaning that irregular immigrants refugees, and asylum seekers are not at the centre of the research. However, because after the refugee crisis of 2015, policies at the European and national levels are dynamically focused on the integration of refugees and asylum seekers into the labour market, and sometimes of the irregular migrants too, I often refer to these categories too. For this reason, instead of using the terms migrant/immigrant I often refer to the population of Migrants, Refugees and Asylum Seekers (MRAs), or foreigners/aliens, and third-country nationals (TCNs).

The thesis deals with Greece and the Member States in the European Union. Consequently, it does not seek to highlight the politics of governance in states in general, but in the changes taking place in Greece and the EU. It deals more with Western neoliberal states without seeking to create theory (see Methodology.) Besides, there is no theory of the state as there are various typologies of states and many differences between them.

The first two chapters (first part of the Thesis) analyse the rules concerning migration and labour issues in the EU to highlight the 'constitutionalism' through which the EU solidifies the ordoliberal character of the EU. More specifically, the first chapter analyses the EU's labour strategy and highlights its ordoliberal character through the goals it sets. It identifies what role is reserved for immigrants and how they become a tool for the realisation of this policy. The second chapter analyses in detail the migration labour framework of the EU where it emerges that it produces workers of various speeds and therefore flexible enough to meet the needs of European and national markets.

In the second part of the Thesis, the third chapter analyses the position of the Greek economy in Europe and examines the Greek labour market and the position of immigrants in it, to point out that after the bailout agreements, both the position of Greece and the position of workers and immigrants became difficult. In other words, the EU ordoliberal stance creates growth and workers of different speeds with different labour rights.

In the fourth chapter, the Greek legal framework on labour migration issues is thoroughly analysed and it emerges that despite the principle of equal treatment advocated by the EU, and therefore by Greece, different labour rights are provided for immigrants, and gradations between immigrants themselves exist. At the same time, it emerges that the Greek legal framework follows the European one, however, some provisions are exploited to make it more difficult for foreigners to acquire long-term residence.

In the last two chapters, the other agents participating in the politics of migration in Greece are presented, along with their synergies and views on various migration policy issues. In the fifth chapter, apart from the state and its negotiations in the European institutions for the adoption of European policies, the network created by agents in Greece involved in migration policy issues is presented in detail. The state-centric character of governance is highlighted, as well as the significant European influence on politics in Greece, and the most important non-state actors of the network of agents involved in policymaking. The sixth chapter of the thesis presents the agents' views on the implementation of migration policies, the ordoliberal character of EU and national governance, and the structure of labour migration governance in Greece.

Conceptualizing Governance

Governance stems from the Greek words “Diakivernisis” and “Diakivernitikos”, which mean how one is governed or co-governed, the first term and the one referring to two or more governments, the second term (Babinotis, 2002.) From this the Latin word “gubernare” comes, meaning “to govern”. Likewise, the term "governance" in political science refers to both the process of steering that takes place inside a set of rules and the set of rules itself (Risse, 2008.)

The way the term is used in political science today follows the logic of the Greek word, which refers to co-management, as it is a term that points out that in modern times non-state actors can influence politics and policymaking. At the same time, as Offe (2009) aptly points out, the term, like globalization, does not allow for the existence of a verb, meaning there is no such thing as 'to govern' any more than there is a concept of “to globalise”. This observation is directly interconnected with the very concept of governance, or the innovation it introduces, as a form of organisation where no overlying power can be identified. However, it is this neologism that has provoked a debate about whether it is indeed a new term, a new concept, and an innovation in how politics is perceived, and more specifically whether what the term implies, namely that politics move away from state-centred politics, is valid.

“Governance is not a synonym for government” (Evans and Newnham, 1998.) While "governance" and "government" both relate to systems of rule, "governance" refers to actions that are not always supported by legal or sovereign power, while "government" denotes actions that are governed by a formal authority. Formal but also informal procedures that affect policy making and exist in the absence of a central authority are covered by “governance” (Ibid, p. 209.)

Agents operating at different levels of governance increasingly shape policymaking and can even share authority. Non-state actors can play a significant role in shaping policies, irrespectively whether they are part of the formal governmental institutions or not by holding

governments responsible, advocating for reforms, and offering services (Mayntz, 2004.) Some of the most important non-state actors in governance are Non-Governmental Organizations (NGOs), International Organizations (IGOs), research institutes and the private sector.

Risse contends that since markets or the private sector are set up for the private maximization of profit rather than for governance, they do not fall under the conceptual realm of governance (Risse, 2008.) This raises the question of what the purpose of governance is. Coordination of collective actions and collective affairs, problem-solving, and addressing society's demands are the goals of governance. Governance should uphold law and order, advance social fairness, and guarantee the provision of public goods (Mayntz, 2004). However, the private sector and primarily employers are important to solving collective problems as they are powerful social entities and they have an incentive to act collectively when necessary to survive, even if their motivation is a mixture of their desire to profit and solve collective problems. One such example is taking the initiative to hire Migrants, Refugees, and Asylum Seekers to cover labour shortages. In governance, agents may not exclusively pursue their interests, but they pursue the solution of a common problem. Risse relates global governance to the appearance of a private authority that along with the states can provide collective goods or common goods (Risse, 2012; Zurn 2012.)

Governance refers to the collective action to counter social problems that cannot be addressed solely by the state (Offe, 2009; Rosenau and Czemieli, 1992; Weiss and Thakur, 2010.) A fundamental element of governance is the emphasis on collective action by bringing together a variety of state and non-state actors (Risse, 2012; Rosenau and Czemieli, 1992, Thakur and Van Langenhove, 2006.). The intricacy of managing collective action has been discussed thoroughly by Keohane (2010) in the context of how common-pool resources may be misused because no single actor has the motivation to protect them. The international community is concerned about the depletion of common goods in several sectors, including environmental preservation, economic stability and security, public health protection, migration management, and common security challenges. This gives rise to the idea that global governance serves as a tool for formulating policy recommendations to address global issues while simultaneously serving as a means of understanding a variety of intricate relationships (Dominguez and Flores, 2018.)

Governance promises an innovative way of policy formation, especially away from state politics (Jessop, 2005; Marks, 1993.) For Levi-Faur (2012, p. 7), the most common ways to think about shifts to governance are transitions from politics to markets, from politicians to experts, from political, economic, and social hierarchies to decentred markets, from the national to the regional, from the national to the global, and from hard power to soft power.

Therefore, the idea of governance is significant because it implies change and a disruption with the past. Due to an era of continuous crises, states cannot resolve global concerns on their own. As a result, it is no surprise that academics have begun to focus more and more on the study of change (Levi-Faur, 2012.) Rosenau describes the contemporary global environment as one of "turbulence" characterized by rapid and unpredictable changes. This turbulence challenges traditional state sovereignty and requires states to adapt and find new ways to maintain relevance and authority (Rosenau, 1990.) The term "governance" describes novel approaches and new methods to rule society (Rhodes, 2006.)

Change is a driving force that has been extensively analysed by political analysts and goes as far as Aristotle, who pointed out that a well-functioning society presupposes that men must actively participate as part of a whole in the realization of a common objective. Change is necessitated as it seems to be the only alternative to a problem, a crisis that is new or old but has been transformed (Lipourlis, 2006.) Proponents of the concept of governance often pose that in modern times societies become spectators of problems that humanity has never faced before or that appear so massively and with such frequency that they primarily concern all of humanity (Rosenau & Czempiel, 1992; Thakur and Van Langenhove 2006.) As per Weiss & Wilkinson (2024 cited in Domínguez and Flores, 2018), global governance has been used more and more since the early 1980s to refer to an increasingly complex world that has been tormented by crises after the end of the Cold War. A crisis can trigger significant changes in policies, processes, and behaviours in organizations, communities, or societies. These changes would require reforms, new practices, and new technologies to mitigate the immediate impact and prevent future occurrences.

As per Kerr (2017), since there is a wealth of historical evidence supporting that the participation of non-state actors in governance is not a novelty, the question should become, since the end of World War II at least, whether the state remains the most important unit in the international community.

The state's monopoly on the use of force and its capacity to legislate and effectively enforce its will through hierarchy, remains intact (Weber, 2004). Governments impose their will by hierarchical sovereign action, using the "command and threat" concept of "coercion/obedience" (Offe, 2009.) The sovereign can control the behaviour of the subjects by monopolizing the power to enact rules and regulations; otherwise, sanctions are applied. For Geddes and Korneev (2015) it is the socioeconomic inequalities in the states and between the states that are key to international issues and international migration regulations as the state's supremacy is evident through its right to control their borders.

Governance, instead, permits vertical and horizontal shifts in decision-making. Integrated governance enforcement mechanisms between the policymakers at the "top" and the implementers at the "bottom" are referred to as vertical policy enforcement. Governance is closer to two mechanisms of decision-making described by Levi-Faur (2012), persuasion and solidarity: In decision-making, persuasion entails the development of values, preferences, and interests as well as the interchange of ideas and information while, solidarity is a mechanism based more on group identity, faith, and loyalty. 'If governing is the act of government and the design of a hierarchy of governmental institutions, then governance is about the decentralisation of power and the creation of decentralised, informal, and collaborative systems of governance' (Levi-Faur, 2012, p. 9.)

For agents to significantly impact the policymaking process, there must be contacts between policymakers as part of vertical coordination. Procedures and initiatives that operate across several societal and governmental levels are referred to as horizontal policy coordination (Adam, *et al.*, 2019.) This way, lower levels of governance that can entail non-state actors, could circumvent the national level of decision-making, and form strong alliances at the national and the regional level. This does not mean that they are nevertheless not dependent on national-level governance because states' governmental structures provide the means to allow for the localising or globalising of decision-making (Bulkeley, *et al.*, 2003.)

Governance entails the blending of control mechanisms that enable the creation of “fragmented and multidimensional order” by the state, outside the state, and inside the state (Levi-Faur, 2012.) Authority can be institutionalised in different spheres, and the many different actors at each level can cooperate, engage in conflict, or choose to ignore one another. Changes within this structure of governance can occur in three ways: ‘upward (to the regional, transnational, intergovernmental, and global), downward (to the local, regional, and international), and horizontally (to private and civil spheres of authority) (Ibid, p.7.)

Even though governance is related to change, the concept is not often linked to a change in power. Offe (2009) states that proponents of governance, suggest that all participating actors are a part of cooperative networks and that there are no rivalries. Power 'over' other players is highly deemphasized in governance frameworks, which are based on 'power to'. This renders the concept 'premature' in terms of ideology (Ibid, 551.) Even the references to change and crisis mentioned before are aimed at the need for the state to change and make no mention of power spillover to other levels of governance. It is implied that in a network of governance, participants are more cooperative in confronting the common adversary that is the state. There is not often mention of the difference in power either between the network of non-governmental actors or between the states participating in a governance system. However, some scholars point out differences in power in a governance structure. An interstate system of states that have dominated the course of events and a multicentric system that comprises other agents describes global governance (Rosenau, J. N., & Czempiel, 1992.)

Armstrong and Gilson (2015) support that in the study of international relations “governance” is used in three broad contexts: First, in International Governance the principal actors are the states, and the scope is the regulation of interstate relations. Secondly, Global Governance includes the states, intergovernmental, and non-state actors while Regional Governance is a subset of Global Governance. Marks (1993) makes the point that decision-making in global governance is spanning away from states in two directions namely a subnational and a supranational one.

The bibliography often explains governance by moving back and forth between the substate, and the interstate levels. It would be challenging to ignore the national level as it affects the substate and interstate levels. Firstly, states' politics may be influenced by the actions of actors operating below the state level through competing interests, but it also provides them with the scope and limits of their freedom of movement. At the supranational level, states engage in competition or establish alliances to advance their agendas. A multitude of actors operate at the local, regional, and global levels, influencing or shaping institutional change. The ecology of migration governance is made up of these micro, meso, and macro levels.

According to the author, governance can be conceptualised as a scope and as a process. Governance as a scope corresponds to the idea of governance as a strategy by Levy Faur (2012, p. 9), and it represents the agents' efforts to control the architecture, the institutions, and the preferences of other agents. This view sees governance from the perspective of change where a crisis occurs to achieve a more participatory way of decision-making. The aim can be to shape a common understanding of the problem that will bring about much-needed change. It is interesting that from the perspective of building a new way of co-management, governance is projected as the best alternative in the absence of a worthwhile alternative to deal with a problem/a crisis (Offe, 2009.) Governance as a process entails the

architecture of the system of governance, and consequently, the rules, and roles, included in policy making.

Whether governance is a direct descendant of government or something else distinct is still up for debate. It would only be an extension of the institutionally defined area of state activity if it approximated the idea of government, while it would be a novel way for actors to coordinate if it was a wholly different way of organisation and it could essentially take the place of government (Offe, 2009.) Whichever the outcome, governance creates new frameworks for political discourse, helps us comprehend state and non-state actors, and opens new avenues for risk and crisis management (Lev-Faur, 2012.)

Governance and IR theories

Global governance emerged in the late 1970s as a practice and disciplinary field due to the end of the Cold War. The US's decision to float the dollar led to changes in the international financial system, prompting the need for new norms and processes. Onuf (1979) connected global anarchy and sovereignty through an international legal system. But it was in 1992 that James Rosenau and Ernst-Otto Czempiel published their collection of essays "Governance without Government" where they supported that governance is an "all-encompassing concept. Government and governance are different in that governance, in the absence of government, refers to the tasks that must be completed, as in any viable human system (Ibid, p.4.) These notions provoked a lively scientific debate regarding this concept. By then the concept had become mainstream policy-level vocabulary in IR, used to describe the range of roles and institutions that transcend the jurisdiction of the nation-state (Betts and Kainz, 2017.)

Likewise, migration governance follows the trends of global governance. The labour market contracted after the 1973 oil crisis and the mid-1970s economic downturn, leading to a contraction in immigration policies. Migration policy was mostly kept in the domestic sphere from World War II until the 1980s, as it had no direct impact on power balances. During the Cold War, migration governance remained dormant, and sovereignty was seen as the key venue for dealing with mass migration.

The objective of this thesis is to link politics/policymaking and the state to migration governance to understand the political processes that affect or are affected by non-state actors and to incorporate political explanations in the development of migration governance in Greece. Before the 1990s, two main schools of thought in migration theory were either sociological and anthropological explanations based on networks, transnationalism, and world systems theory, or push-pull and cost-benefit analysis closely related to neoclassical economics. Since then, a branch of research known as the politics of international migration has started to take shape (Brettel and Hollifield, 2008, p. 269.) As the world system transitioned to multipolar structures and continuous crises appeared scholars like Keohane and Nye (1977) upheld the belief that the fundamental presumptions of IR theory were being eased. Turner (1998) has noted that new actors like the global civil society challenge traditional IR theories.

Although the concept is not associated with any IR theory, it is more commonly supported by scholars who belong to the neo-institutionalist school and argue that it could be advantageous

to view government as more of a steering mechanism and less of a problem of power (Deutsch, 1993 cited in Levi-Faur, 2012.) Institutional technocrats, who view governance as a process, and not of power often endorse the benefits of governance as a technology of control, convincing even suspicious governments to adopt this approach (Levi-Faur, 2012.)

The adherence of the proponents of this school's view to governance as a process is pervasive, although they are often concerned with the influence, especially of international organizations and international institutions, on sovereignty. Neo-institutionalism views institutions as agents that limit states' actions through resource allocation, international and regional agreements, and sanctions that shape incentives, interests, and therefore behaviour. It posits that international institutions explain conflict and impact global politics, through interdependence removing states from their position as the basic unit of the international system (Keohane and Nye, 1977). They focus on the need to adopt a process of managing global issues collectively through institutions because they are the "principal factor structuring collective behaviour and generating distinctive outcomes" (Hall and Taylor, 1996), implying that institutions are a primary determining factor in international politics, leave little room for agency, despite states being major actors.

Governance structures and hierarchies are less visible due to interactions among different actors, blurring between levels of governance and state and non-state actors and reducing sovereignty to concepts of "spheres of authority." Spheres of authority can overlap and intersect, creating a complex web of governance structures, necessitating a comprehensive analysis of interactions among diverse actors (Rosenau, 1997.)

States face fragmentation and integration pressures, with internal divisions and politics challenging national unity and external forces pushing for collaboration. Modern states must balance these pressures, utilizing dual diplomacy in the domestic and international spheres of governance. Governance without government relies on networks and partnerships, facilitating cooperation among actors. These networks can be formal or informal and often involve soft laws, norms, principles, and guidelines developed through consensus and peer pressure (Rosenau and Czempiel, 1992). Even though Rosenau does not fit into a specific IR theory, some of his ideas connect global governance to neoliberal institutionalism, through his suggestion that order and cooperation are achieved through norms and similar interests.

Even though Hollifield (2008), doesn't belong exactly to liberal neo-institutionalism, he has launched the idea of "the migration state", through which he explains why states can accept high volumes of immigration when it is not in their interest. Hollifield argues that managing migration is a crucial function for modern states, as they face pressures of fragmentation. He emphasises the importance of rights, which are contingent on legal, institutional, and ideational developments, and argues that they limit the freedom of action of states. Due to these limitations, states engage in dual diplomacy, involving traditional and non-state actors. He advocates for managed migration, where states balance economic benefits with maintaining control over borders and national security, creating legal and institutional mechanisms (Brettell and Hollifield, 2008.)

Similarly, Thakur and Van Langenhove (2006) and Marks (1993) believe that state sovereignty should create a framework for fulfilling duties toward citizens, as well as the international community. They highlight that regional organisations help states balance national sovereignty with regional commitments. They emphasize the role of regional

governance in addressing transnational issues that national governments cannot handle alone. They advocate for effective regional institutions to bridge the gap between local and global governance structures, addressing specific regional issues like security, economic integration, and environmental sustainability. They also advocate for policies that enhance coordination and cooperation across governance levels, creating synergies between local, regional, and global efforts to address complex challenges effectively. They emphasize how crucial it is to transfer authority from national to local governments. Because municipal governments are more accessible to the public. In participatory governance, local populations actively participate in the processes of making decisions by providing sufficient funding, enhancing infrastructure, and training for local officials.

Thakur and Van Langenhove contend that the EU serves as an example of offering a more efficient and respectable intermediate level of governance between national governments and international organisations (Wunderlich, 2012.) Gary Marks has researched the shared sovereignty and overlapping jurisdictions among EU member states. He highlights how different governmental levels are interdependent and that effective policymaking requires collaboration and coordination and explains that power in the EU is dispersed among several interrelated levels of government rather than being limited to one level (Marks, 2004 in Daniell, K. A. and Kay, 2017.)

The problem with neo-institutional approaches is that they disregard the dynamics of power and inequality that form institutions and instead presume that institutions are stable. They do not answer whether governance refers to governance over others, while it seems they imply that it is governance with others. Their focus is frequently on governance as a process, and they may not fully address how institutions can operate as tools of dominance and power. Furthermore, scholars who study governance tend to stress transnational ties or the influence of international institutions rather than how governance and other actors affect policymaking, especially at the sub-national level. Neoliberal theorising suggests states should open borders for trade and migration with institutions controlling flows. However, no such regime exists for migration, highlighting the lack of theoretical tools in the liberal institutionalist paradigm (Talani, 2015.)

Many scholars who talk about governance belong to the schools of constructivism and pluralism, which even though they are different schools of thought they criticise the state-centred approaches and emphasise that other agent can be equally important to governance (Ruggie, 1998; Rhodes, 1994.) The state, is a network of interconnected governmental and societal actors, without a sovereign entity to regulate or steer it (Rhodes, 1994.) While the paradigm of neo-institutionalism focuses on the process of governance, constructivism attempts to introduce more agency into analysis as well as examine the diffusion of power into the governance system. The famous phrase by Wedth (1992) “Anarchy is what states make of it” suggests that international politics is shaped by shared culture and ideas, rather than the distribution of capabilities. The state, power, accountability, and legitimacy are social constructs. The international interaction that gave rise to the global governance system legitimised it through societal consent, making it dependent on the conditions and the context (Ruggie, 1998.) There are many ways that global governors compete, clash, collaborate, assign, and divide labour that we haven't always looked at in depth (Finnemore, 2014.) Rhodes (1997) “degovernancing” is the reduction or elimination of direct government intervention in policy areas, often associated with trends towards decentralisation and

privatization. It involves shifting governance responsibilities to non-state actors, particularly local or regional authorities.

These paradigms allow for agency as individuals and groups become functionally linked. New actors emerge due to the state's inability, sub-nationally and supra-nationally to respond to changes within the global system, resulting in overlapping functional linkages and identities. For example, the state level is losing importance due to local integration policies, many times thanks to initiatives taken by local actors, with large cities becoming more and more capable of developing their policies (Alexander, 2007.) Local governments become policymakers, introducing projects that enhance language skills and promote civic orientation. Turner (1998) proposes international organisations like the United Nations as part of a global civil society and connect the local level, and the civil society to the international level. Additionally, they view governance as a tool for global change, inserting the variable of human rights and activism in policymaking (Finnemore, 2014; Grugel and Piper, 2007; Kacowicz, 2012; Risse, Ropp, and Sikkink, 1999.) They advocate rights-based institutions to oppose oppressive states and improve the life of people. Regarding global governance, constructivists advocate for a global civil society and migrant rights protection (Betts, 2011; Kacowicz, 2012.)

Betts (2008, 2011) examines the political and economic factors like persecution, conflict, and economic inequality that influence migration. He highlights the necessity of using development and conflict-prevention techniques to address these underlying problems and looks at innovative methods and frameworks for helping refugees and internally displaced people, such as leveraging technology and the involvement of the private sector and employers. Betts (2011) supports the Global Compact on Refugees and Safe, Orderly Migration to protect migrants' rights, under international human rights law and emphasises strengthening local governments' capacity for migration management. He stresses that regional agreements and cooperation for safe migration are necessary, particularly for finding pathways for irregular migrants to regularise their status and develop a variety of legal migration channels.

New theoretical perspectives, such as network theory and transnational migration, aim to explain why states after the 1970s have failed to contain migration. Massey's social networks emphasize the importance of migrant networks, which foster migration even with strict border controls (Massey, 1993, 1998.) Network theory primarily focuses on the crucial role of personal relations between migrants and non-migrants and emphasises the changes happening in society due to migration (Castles and Miller, 2009.) Castells' network society theory is crucial for understanding modern migration, as it explains how advanced communication technologies facilitate global flows of information, capital, and people. Economic globalisation affects migration, necessitating governance frameworks to manage labour movement and address inequalities. Power in a networked world is decentralized and asymmetrical, with states and international organizations playing crucial roles in governing migration policies (Castells, 2005.) The primary obstacle stems from the nation-state's incapacity to effectively represent its people, where local and national governance has yielded to the resolution of global issues, and handling of crises providing a stage for the formation of a global civil society. This has resulted in a credibility crisis (Ibid.)

Those who view governance as state-centred focus on ideal modern statehood with “full internal and external sovereignty”, a legitimate monopoly on force, and controls. However, from a global perspective, limited statehood cannot enforce central decisions and maintain domestic sovereignty. Governance in these areas relies on non-state actors and non-hierarchical political steering, linking local, national, regional, and global levels (Risse, 2011.) These schools are highly critical of the way that neoliberal approaches to governance, which also move away from the state and more closely resemble "minimal governance," which is about completely dismantling politics and is frequently linked to the pursuit of creating market-based forms of governance as substitutes for political ones (Levi-Faur, 2012.)

They provide insights into the concept of governance influence on ideas, human rights, and civil society, but their recommendations may be slow to implement due to their focus on long-term norm development and identity formation. The analysis primarily focuses on supra-national and sub-national factors affecting policymaking, disregarding state-centred approaches, making it challenging to understand governance's impact on policymaking in environments where states compete.

It is noteworthy that scholars from both previous schools of thought complained that despite the transboundary nature of international migration the institutional cooperation is slow, compared to that of environmental, trade, and financial issues (Betts, 2011.) The previous two schools, regardless of their differences, challenge the primacy of the state in matters of international politics and observe international migration from the perspective of necessity and change. They consider it almost inevitable and call on institutions on the one hand and specific actors like civil society on the other to become dynamically involved in politics and create new conditions and precedents regarding migration management.

Waltz (1998) contends that it is the ability, or relative power of the states, that establishes the order in the world. States are regarded as the sole legitimate and responsible actors in international affairs as there is no other reliable alternative that can provide the same level of order. The international system is anarchic, with no overarching authority, requiring states to rely on themselves for security and survival (Mearsheimer, 2001.) The realist paradigm suggests that how nations have opened to migration matters more than how human rights, international law, and novel concepts have affected sovereignty. Freeman and Zolberg (1995) considered governance to be greatly exaggerated and even questioned if the state had ever lost power. Global governance, viewed as state-centred multilateralism, is primarily driven by autonomous states to enhance their power, influence weaker states, and compete for prestige, with international institutions ultimately governed by these hegemonic states (Mearsheimer, 2001; Weiner, 1995.) Waltz (1998) argues that state inequality is a result of increasing interdependence.

NGOs and other non-state actors operate within the framework that states have set and frequently rely on them for safety, resources, and legitimacy. Non-state actors can shape public opinion and campaign for a range of causes, but their efficacy is ultimately limited by state willingness. According to Mearsheimer, strong nations may use NGOs as a tool to further their agendas (Mearsheimer, 2014). Krasner argues that non-state actors, including multinational corporations and international organisations, significantly influence state policies and sovereignty. These actors lobby for changes in domestic policies, such as human

rights and environmental regulations. International organisations and coalitions often intervene under humanitarian concerns, challenging the Westphalian notion of sovereignty. However, Krasner emphasizes the importance of state power and the limitations of these non-actors, as they can be manipulated by powerful states (Krasner, 1999.)

Increasing international migration threatens stability and security, particularly for fragile nation-states and Western democracies. Liberal democracies risk political destabilisation due to mass and forced migration, refugees, and asylum seekers (Weiner, 1995.) Kaplan argued that demographic pressures, including large-scale migrations, can exacerbate political and social instability, leading to resource conflicts and state structure breakdown due to economic disparity and environmental degradation (Kaplan, 1994; Posen, 1993.) International migration has caused political crises in both developed and developing countries, raising concerns about sovereignty and citizenship (Brettel and Hollifield, 2008.) States have the power to regulate migration, but power is exercised within political systems. Liberal and democratic societies are more likely to face immigration control issues, through the lens of politics. However, immigration can be used to improve the state's position in the international system if it improves the country's economic position (Borjas, 1990.)

The gaps that exist between policy goals and public sentiment should be explained (Freeman, 1998.) Freeman's approach to understanding immigration policy focuses on the role of organised interests and the distribution of costs and benefits. He suggests that the demand for immigration policy is heavily influenced by factors like land, labour, capital scarcity, and the substitutability of immigrant labour. This helps distinguish winners and losers in policymaking and associates different cost-benefit distributions with specific political modes. Freeman keeps a state-centred analysis regarding the international level and adopts an 'economic interests' approach at the domestic level (Talani, 2015.) The author explores the influence of economic, ethnic, and ideological interest groups, including non-state actors like employers and workers, and the deepening ethnic diversity, on state policymaking.

The realist paradigm lacks the necessary tools to examine how actors at the supra- and sub-national levels affect politics because it ignores the influence of other actors, such as civil society and institutions, and instead concentrates solely on power politics by self-interested states. The realist paradigm falls short in explaining why states' interests have prompted them to establish international and regional frameworks, such as the Global Compact for Safe, Orderly, and Regular Migration and the Global Compact on Refugees, to guarantee that the rights of migrants are upheld by international human rights law. It has failed to explain modifications made to the national legal system favouring citizenship, long-term residency facilitation, or the establishment of channels for undocumented immigrants to obtain legal status.

Neo-institutional approaches help us understand how institutions shape common interests for states and smooth out their differences. They correctly view governance as a network, as do constructivists and study in-depth the decision-making processes in these networks. On the other hand, constructivists/pluralists help us identify the diffusion of power from the state or other agents and stand critically against the centres of power, which is necessary in the case of the European Union where the ordoliberal structure can create winners and losers. The tools proposed by realists are most useful when it comes to considering how states negotiate in a competitive environment, and what their interests are. It is necessary to recognize that

governance has distinct effects at the regional and national levels and methods and tools for understanding and analysing the relationships between macro-, meso- and micro-level elements of change are required. Mixing these tools from different schools of thought can provide a more in-depth look at what constitutes migration governance in Greece (see Methodology section.)

The neo-institutional approach could be characterised as a top-down approach, which assumes that structural forces, like Europeanisation and globalisation, change polities, societies, and economies. It perceives these forces as global, regional, and external. However, it does not capture the social and political nature of change, which is internal and involves a variety of societal agents, and their interaction, something which is captured better by pluralism and constructivism. Both aspects should be addressed, as well as the state response to the pressures coming from these internal and external forces. As in the case of the European governance of labour migration issues, the European directory sets the rules, the state activates its resources using various instruments as it sees fit that allow it to manipulate participants and processes.

State Governance and Neoliberal Discipline.

Scholars (Levi-Faur, 2012; Gill, 1998; Offe, 2009) argue that the state remains the central unit in the international system, allowing non-state actors to participate in public policy implementation. This increases efficiency and reduces fallibility, allowing civil society to cooperate, and become subject to regulatory oversight. They underline that governments rely on hierarchical power to carry out their programs and reject the idea that there has been a widespread loss of the ability to govern. Even in cases when governments choose to govern in different ways, the state still plays a crucial role.

These authors question the neo-institutional perspective about governance, which focuses on interdependence and views governance primarily as a system of steering (Deutsch, 1963.) The two authors relate governance to the projection of power and take interest on how non-governmental actors can become instruments that reinforce established power systems. Governance, as the word goes, is government at various levels, the interconnectedness and shift to polycentric policies and polycentric policymaking, which these authors associate with 'the rise of the regulatory state and of the global diffusion of "regulatory capitalism".'

State regulation legitimises power enabling the hybridization of control modes, resulting in fragmented and multidimensional order within, by, and beyond the state (Levi-Faur, 2012.) Regulatory reforms address some of the oversimplified assumptions by neoliberalism on the nature of the relationships between the state and the market, as well as between politics and the economy. Levi-Faur implies that while the original plan was for regulation to strengthen and consolidate neoliberal reforms, which it does successfully, it creates a complex web of regulations that take on a life of their own, and the state as the creator and bearer of these regulations ensures its continuation and its central role in the system of governance. The result is a new order that is best described as "regulatory capitalism" (Levi-Faur, 2005.)

It is implied that the governance promoted within the framework of neoliberal order, especially after the collapse of the post-war Keynesian model of capitalism, is centred on the state, and even if the central government grip is relaxed in favour of more decentralized

forms of governance, the state finds mechanisms to control the agents involved in the governance system (Levi-Faur, 2005, p. 12-13.) The previous is achieved by a rise in delegation, the creation of regulatory authorities, the formalisation of intra- and interinstitutional relationships, and the growth of self-regulation mechanisms operating outside the purview of the state allowing for new forms of governance to arise, away from the traditional command-control governance exercised by the state.

The state now oversees 'steering', while businesses formerly and other agents more recently (NGOs and IOGs) take over service provision and technological innovation, resulting in state and business restructuring through internal controls and self-regulation mechanisms (Levi-Faur, 2005, p. 16.) In sectors like the environment, human rights and others, social regulatory agencies that are not part of the privatization and market process become more and more widespread worldwide (Ibid, p. 21.) Agents on their part, ask for more auditing and legitimacy control to make their voices heard and pursue the institutionalisation of their involvement in governance. Regulatory growth is not only an answer to political control over the economy but also represents deeper social demands for legitimacy and trust. Therefore, new regulations that allow for the institutionalisation of new agents' involvement are promoted and enforced by nongovernmental international organizations, and intergovernmental organizations.

The way that the state is reinforced in a neoliberal environment is quite well explained by Offe (2009), who supports that governance can enhance the state's intervention capacity by involving non-state actors in public policy implementation, making it more efficient and less fallible. This implies that the state should focus on steering and allowing auxiliary forces within civil society to cooperate in public tasks. This approach aims for a state-organized unburdening of the state, promoting a "leaner" and more capable state, through the strengthening of the regulatory and legal capacity. Even when the state is not as efficient to deal with socio-political issues it is underlined that the necessity for governance, whose efficacy (and legitimacy) is contingent upon the existence of government, increases with the ineffectiveness of government (Borzal, 2010)

However, Levi-Faur correctly identifies that non-governmental agents are primarily rule takers than rule makers (Ibid, p. 15.) The transition from representative democracy to indirect representative democracy involves citizens electing representatives to supervise "experts" but the rules formulated, in a neoliberal environment, are imposed more on citizens than the politicians and businesses (van Waarden, 2003 cited in Levi-Faur, 2005.)

Stephen Gill (1998) describes the previous trend more thoroughly and characterises this enhancement of the state's legal capacity as 'constitutionalism'. He supports that the goal of constitutionalism is to further distance powerful economic forces from democratic governance and accountability to the public. New constitutionalism requires attenuating and channelling democratic forces to prevent a political backlash against economic liberalism. Neo-liberalism aims to prevent a second "double movement", as this was presented by Polanyi, of left and right political mobilisation against economic liberalism (Gill, 1998.) Gill highlights that Hayek, Friedman and Buchanan support the division of politics and economics through capital mobility.

In a more formally democratic world order, where there is a lot of pressure for legitimisation, neo-liberalism has both coercive and consensual aspects and therefore it employs a strategy

of co-optation of opposition, especially in countries where the state imposes an external model of governance, incorporating civil society, business associations, and international organisations as systems of surveillance. To maintain market discipline and economic flexibility and establish the state's credibility as "effective partner" in growth, the state authorities must be strengthened by establishing the legal framework and safeguarding property rights, as well as ensuring macroeconomic stability and liberalising trade (Ibid, p. 27.)

As a result, constitutionalism not only maintain market discipline and labour market flexibility but also shield capital against dangers from "below," or popular democracy. Neoliberal reforms are connected to efforts to establish suitable policies, such as bolstering private and international organizations' monitoring systems. Governments are compelled to offer information that will increase investor transparency regarding economic, political trends because they ask for funding and they use private and international organisation to do so (Levi-Faur, p. 26.)

These scholars agree with Jessop's view (2019) that the state has used the contradictions within neoliberalism to support its growth, energising its crisis-absorbing capacity like after the 2008 financial crisis when austerity measures were implemented, which exacerbated economic inequality, privatization, stagnating wages and the restructuring of the working environment, establishing the new neoliberal division of labour and flexibility in the labour market. This way the relations between the agents in the labour market change in favour of businesses and investors. Jessop, B. (2019). Ordoliberalism and Neoliberalization: Governing through Order or Disorder. *Critical Sociology*, 45(7-8), 967-981.

The systems of neoliberal control imposed by the state, mute democratic response, and this way the state safeguards the participation of the non-governmental agents. It is underlined that the influence of the neoliberal environment is decisive as to what will be the position of non-governmental actors in the system of governance and to what extent the ability of the state to make decisions and implement policy is restricted. However, it would also be useful to investigate how non-governmental actors, regardless of the freedom of movement they are given, influence the architecture and structure of the system and as Levi-Faur says it is important to understand 'the processes of institutionalization and of a shift toward poly-centred polities, politics, and policy-making' (Levi-Faur, 2012, p. 4.) This would highlight whether there are windows of opportunity that allows non-governmental agents to change the system to their favour.

The EU governance and constitutionalism

The regional level in global governance has been highlighted as crucial by many scholars (Buzan, 2011; Kacowicz, 2018; Kerr, 2017; Marks, 1993.), irrespective of schools of thought. Regional governance involves institutionalised coordination to produce binding rules for public goods and services at the regional level. Scholars like Marks (1993, 2001) and Menz (2011) who have conducted years of research on EU governance, assert that regionalism refers to state-led regional governance and market-driven governance and that all levels are affected by economic interests and political ideologies, which are influenced by economic needs, party politics, public opinion, and interest group influence.

Levi-Faur (1999), Hooghe and Marks (2001) propose a state-centred multi-level governance approach, emphasizing the state's central role in policy coordination and integration, and its high autonomy in privatisation, liberalisation, and globalisation, allowing it to shape preferences and create transnational institutions.

The concepts of “Big Governance” and ‘Constitutionalism’ (Levi-Faur, 2012; Gill, 1998) can be helpful to describe how the EU level governance is conducted as the EU is governed through austere and strict rules that augment year by year to establish governance driven by the market. The regulatory state is a key aspect of the EU ordoliberal order.

Ordoliberals in EU prioritise economic freedom by law muting policy debate on how to exercise economic power (Foucault, 2008; Ryner, 2015.) Neoliberal "new constitutionalism" prioritizes market logic and market discipline, often at the expense of democratic decision-making and social welfare policies, promoting policies favouring capital mobility, deregulation, and privatization (Gill, 2003.) Constitutionalism sets the rules, as well as the rhetoric that determines how Member States and politicians should behave.

Ordoliberals advocate for a robust legal and institutional framework for a market economy, ensuring the rule of law, property rights, and contract enforcement. They believe the state should maintain competition by preventing monopolies and ensuring fair competition, as competition drives innovation, efficiency, and consumer choice (Rukpe, 1981; Rustow, 1950.) It emphasizes technocratic governance at the expense of democratic processes, of which they are sceptical, arguing they can be influenced by interest groups, leading to policies favouring certain industries, undermining competition, and advocating for a technocratic approach instead (Euken, 1992.)

EU constitutionalism, emphasises a legal framework that ensures market economy, advocating for a state that sets economic rules, favours the supply-side growth and prioritises keeping inflation low. Accordingly, the Maastricht Criteria in 1992, and the Stability and Growth Pact have restricted the government’s deficit to 3% and the government’s debt to 60% of GDP, so as inflation in the EU to stabilize at 2%. These rules, along with the EU budget that has been restricted to 2% of GDP, are simply too narrow and inflexible to provide countercyclical stimulus in times of crisis and assist countries that experience trade imbalances.

Neoliberalism has not delivered a profit-led and business investment strong growth, instead since the 1980’s it is stimulating an unstable accumulation of wealth through financialisation (Lavoie and Stockhammer 2012; Stockhammer 2011). As a result, two complementary growth models have emerged, globally and in the EU that rely either on increasing household and national debt (debt-driven growth and demand-driven growth) or on rising export surpluses (export-driven growth and supply-side growth).

Inspired by the German ordoliberal strategy that contains wages, the export-led model in the EU emphasizes sustaining the competitiveness of export-oriented sectors by persuading employees to keep their wages low and flexible in cases of currency revaluation, in exchange for protection from redundancy, vocational training, co-management and other benefits (Hopner and Lutter, 2018.) This model is adopted by many core states in the EU, and it has also been instigated in Eastern Europe during the pre-accession period when those countries

were asked to adopt the analogous neoliberal reforms. The Core European States are Germany, France, Italy, and the Benelux countries, which are central to the EU due to their significant economic and political influence, founding roles, and central positions in European integration processes (Fouskas and Gokay, 2012.)

The South European demand-driven or debt-driven model relies on domestic demand most often in non-export sectors such as tourism and construction. Consumption is fueled by wage increases and credit, while many sectors are sheltered. Wage restriction and credit restraint are self-defeating to this model because domestic demand is mainly wage-driven. If these countries applied monetary instruments like the devaluation of currency, they could remain competitive. However, under the straitjacket of restrained government spending, through permanent austerity, the EU growth model not only does not favour the demand-driven model, but it also puts the burden of adjustment to economic shocks on deficit economies. Deflationary adjustment is posed as the remedy to trade imbalances and internal devaluation via wage restraint has become the holy grail of the EU labour market strategy against crises.

The EU's ordoliberal economic governance aimed to accumulate surpluses during growth periods to allow for limited deficits in times of crisis. However, trade deficits accumulated in the periphery and surpluses increased in core states, leading to debt-fuelled growth and high indebtedness in the periphery. The adoption of the Euro made core states more competitive, leading to real estate booms and private and national debt. The periphery's household debt has been rising sharply since the early 2000s, and price and wage inflation have made them less competitive. The EU's ordoliberal stance, reflected in austerity prevailed, and the less competitive peripheral economies nearly collapsed and defaulted on their debts during the 2007-2008 global financial crisis. Under the ordoliberal premise that the market equilibrium, especially in times of crisis, delivers the best economic outcome, macroeconomic tools were muted, and automatic stabilisers were rigorously regulated to allow for market flexibility. The crisis was perceived as the result of Member States' indiscipline, making it the "apologue of fiscal sinners" (Saraceno 2020, Lapavitsas, 2010.) Most importantly, the public dialogue was muted and the previous response to crises was advocated as panacea and was imposed to the citizens with emergency laws.

As already mentioned, the German ordoliberal strategy that contains wages to sustain the competitiveness of export-oriented sectors keeps labour co-responsible for economic crises and obliges workers to keep their wages low and flexible. This is reflected in the EU "Flexicurity" labour strategy, which has evolved into an instrument for labour confinement that aligns with EU austerity ordoliberal views.

The EU's globalized competition necessitate a global labour market. However, this requires unprecedented casualization of labour laws and practices. Benchmark standards are set by countries like India and China, which are both competitors and partners. The EU's strategy involves privatising activities, integrating new markets, and seeking cheaper labour, often undermining laborers' agency. In the context of this international reality, the EU has 'invented' and created Flexicurity, which is becoming a vehicle for the EU to recover in terms of competitiveness. Under this prism, the European Commission suggests that Southern European countries must decrease labour market regulation to improve flexibility, citing

limited atypical employment availability and excessive dismissal protection as key factors contributing to persistent unemployment.

Flexicurity provides a special role for migrants, who are more easily exploited, accept lower wages and thus act as a means of pressure and therefore a means of discipline for other workers. In the same light, the European legal framework on labour migration divides workers into workers of different categories, who enjoy different labour rights. With the bulk of immigrants in the backburner of labour, both wage flexibility, which is so sacralised in Flexicurity, and the discipline of the rest of the employees are ensured. These two legal systems, although not particularly highlighted, complement each other, and should be seen in this way because, according to the author of this Thesis, they constitute the EU ordoliberal constitutionalism for labour migration. All these issues will be analysed in detail in the following chapters as they are a central part of the analysis on labour migration in EU and Greece.

Last but not least, while the EU is founded on democratic principles, institutions with substantial authority to propose laws and carry out policies include the European Commission, not directly elected by the EU citizens. The absence of democracy, a topic of discussion for many years, became apparent while choosing the austerity measures to be implemented following the 2008 financial crisis.

Methodology

The research aims to investigate labour migration governance in Greece in the aftermath of the refugee crisis (2015–24) by analysing the country's changes to its labour migration framework and migration policies, in comparison to EU migration policy. This time horizon was chosen because the phenomenon under research becomes more intense after the crisis and therefore it can be examined better. Although years have passed since then, the impact of this crisis and the continuous flows of migrants make migration an important social phenomenon.

The traditional geopolitical realist paradigm, which holds that the state is the most important unit of the international system, is challenged by new actors in the modern international system, including civil society, especially in the EU that restraint states. The concept of governance has been chosen since it considers agency over policy decisions. In the era of governance, the focus is on identifying hybrid governance strategies, where governance is a blend of various regulatory systems, including statist, European, civil, national, private, business, voluntary, and coercive regulations. The sub-national, national, and regional levels of governance, which correspond to the micro, meso, and macro levels of migration governance are analysed to examine if and how Greece balances the nation's interests with its responsibilities to the EU and foreigners.

Qualitative research methods and case studies can capture the intricacy of these social relationships, and for this reason, they are selected. A thorough examination of the social phenomena being studied can shed light on the never-ending political wrangling that takes place amongst the various agents at the above levels of analysis. Qualitative research and case studies offer a comprehensive understanding of social phenomena by providing detailed and a wealth of data and by capturing the complexity of human behaviour. It allows for

exploration of the micro, meso, and regional levels of social interactions, to understand the subjective experiences and perceptions of agents. This holistic approach considers the interconnections between factors and how they collectively influence outcomes, allowing for a deeper understanding of social processes (Creswell, 2013; Patton, 2002.) Qualitative research enables researchers to focus on and explore the context within which social phenomena occur, providing insights into the context and factors that influence behaviours.

An in-depth case study analysis gives an extensive picture of how agents interpret their experiences, something which reveals patterns of behaviour. Especially for the second part of the thesis which is devoted to the views of various agents regarding the state's policies and their implementation, this approach can reveal these patterns of behaviour. The opinions of the various agents are taken into consideration in other sections of the thesis too, such as the first section that analyses the evolution of the EU labour migration legal framework and how the three EU institutions shape it. Furthermore, an analysis of the Greek labour migration legal system considers the various positions taken by the governments regarding migration issues.

The research answers the questions of what, why, who, and how a phenomenon evolves as it covers a wide range of factors related to the context of decision-making, and policy development. When it is unclear where the boundaries are between the phenomenon and context, empirical research investigates a current occurrence within its actual context (Starbuck, 2006.) It is a method that works well with inductive approaches for the reasons mentioned above because it gives insights into the complexity of the context. This research is empirical, meaning that knowledge is produced by analysis based on observable data. It facilitates data-driven decision-making and aids in spotting trends in interpersonal interactions and political procedures. Despite reliance on the subjectivity of stakeholders' perspectives and lack of contribution to theory formation through hypothesis testing, empirical research provides the research with the robustness of data-driven analysis.

Because migration governance is a dynamic and complex social phenomenon, the inductive research approach has been chosen as it is flexible and open to new questions and issues that may develop throughout the study process. It can enable the researcher to go in a different direction than the one they first chose to pursue (Patton, 2002), something which has happened a lot, changing my research questions. The thesis looks for regularities, patterns, similarities, and differences between the ways that various agents behave and think, as well as how policies change over time. The thesis follows an inductive method, starting with observations and working its way up to results and some generalisations, without developing a theory.

Researchers who study governance are either unevenly concentrating on the international level or, on occasion, the sub-national level, but it's important to consider state-level analysis as well. I observe the return of the state through regulation while simultaneously emphasising the development and spread of alternative forms of governance through a growing reliance on regulation (Levi-Faur, 2012, p. 12.) Especially in the EU, which adopts ordoliberal governance (constitutionalism), regulation strengthens both the states and civil society. I study in detail the rules in the EU on labour migration and compare them with the corresponding Greek legal framework to understand what extent the supranational level (EU

constitutionalism) affects the state, as well as the sub-national level, meaning other non-governmental actors (micro.)

To study whether the EU laws on labour migration abide by the EU's ordoliberal constitutionalism, both the legal framework of labour migration and the rules concerning the strategy for the European labour market (Flexicurity) need to be studied. In this way, it will be examined how and if the equal integration of migrants into the labor market is ensured, whether they become part of the whole of labour and what this means for the rest of national workers. This will show whether and to what extent the ordoliberal nature of the EU affects migrants and other workers. The EU is an important agent in labour migration issues in Greece and its constitutionalism needs to be thoroughly studied and compared with the influence of other agents.

Content analysis of the EU legal framework on legal labour migration and of the EU strategy for the labour market (Flexicurity) is conducted, mainly through primary research but also through secondary research. The innovation is that these two seemingly unconnected European strategies are linked, something that has not been highlighted enough in the bibliography. Likewise, the Greek legal framework on labour migration is analysed to understand to what extent it is affected by developments in the European legal framework and what is the role envisaged for foreigners, in both frameworks.

The influence of EU agents is also studied at the subnational level when studying the network and views of agents involved in migration policymaking in Greece, as some of these actors have a direct or indirect relationship with EU institutions. At the subnational level, various non-state actors are also studied, through primary research, who emerged as important through reading the bibliography. These are International Organizations (IGOs), Non-Governmental Organizations (NGOs), labour unions, research institutes and think tanks, employers' unions and MRAs networks. The network between them is highlighted by using basic social network analysis (SNA) and mapping the network between these actors, the state, and the EU. The network is built based on the agents that have undertaken more migration projects (more than 5), as well as on the Asylum Migration and Integration Fund (AMIF) and the state's list of the funded social entities for migration projects. The network of these entities with their partners is created. Through these synergies, it emerges who works with whom and who are the most important actors in the Greek labour migration context. The social network analysis is conducted using the 'Gephi' software, for SNA. The statistical metrics that are applied reveal the average number of agents included in the network, the distance among the most remote agents in the network, the most influential agents that connect different sub-networks, and the different classes/sub-networks that are formed by the most influential agents. Few researchers have studied the actors in migration policy in Greece in such depth, and no one has used SNA.

The subnational level is also highlighted through thematic analysis of agents' perceptions based on themes linked to the research questions:

1. The implementation of the European and Greek labour migration framework and policies.
2. What is the role of the different actors in labour migration governance in Greece?

3. Whether the ordoliberal EU stance influences politics in Greece and how does this affect the lives of foreigners?

The agents' view on the above questions reveals what the role of the state and non-state actors in governance is, and how the EU rules influence Greek politics (the basic research questions.) Press releases, articles and research conducted by these actors are analysed to answer the above questions. In this section surveys and interviews already done by these agents are used, especially the surveys of international organisations and non-governmental organisations, which for the period examined are numerous and rich and are adequate to answer these questions. For this reason, I did not conduct my own interviews or surveys as this would not add much value to the analysis. Most importantly it was decided not to do interviews as the above material of these agents is so rich and so under-researched by other analysts that it is innovative to work on it. It is decades of material that has hardly been gathered and analysed.

The agents examined for the SNA and the thematic analysis is the same and are the following: Amnesty International, Apostoli, ARSIS, Dianeosis, Hellenic Foundation for European and Foreign Policy (ELIAMEP), chambers of industry, particularly the Athens Chamber of Industry (EBEA), National Union of Agricultural Cooperatives (ETHEAS), Equal Rights Beyond Borders, the National Centre for Social Research (EKKE), Economic & Social Council of Greece (ESC), Danish Refugee Council (DRC), Generation 2.0, Greek National Commission for Human Rights (GNCHR), Greek Council for Refugees (GCR), Greek Forum of Migrants (GFM), General Confederation of Greek Workers (GSEE), Human Rights 360, Foundation for Economic and Industrial Research (IOBE), Small Enterprises Institute (GSEVEE), Centre for Social Action and Innovation (KMOP), International Organisation for Migration (IOM), Ombudsman, Labour Inspectorate Agency (SEPE), Solidarity Now .All the agents that are mapped by the SNA are 342 and are presented in Appendix 1 of the 6th chapter of the thesis.

Additionally, the behaviour of the Greek state in the Council is studied, where states compete or form alliances to adopt or reject European laws. Greece's stance during the negotiations is studied, regarding the adoption of the Blue Card Directive, perhaps the most important labour migration directive. However, corresponding documentation for other directives was not easy to be found, to conduct the analysis. This was overcome, by finding out to which directives the states, and Greece, applied more favourable or more restrictive provisions, compared to the European laws, as allowed by European rules, something which highlights how states perceive national interests. The state is analysed extensively in many parts of the thesis, particularly when its policies are examined.

The role of immigrants in the Greek labour market is analysed in a separate chapter along with a small review of the Greek economy to highlight its place in the European economy, done through a mixture of primary and secondary research.

As shown above, analysing the regional, state, and subnational levels I focus on different research fields corresponding to different schools of thought on migration. For example, at the state level, I try to identify the interests of the state and describe its behaviour in the EU institutions and its relations with other agents. At the subnational level, the thesis aims to identify the perceptions of different agents about what constitutes efficient governance. At the supranational level, the thesis highlights how the EU legal framework is formed.

Different tools of research are used, corresponding to the different schools of thought mentioned in the methodology section and thus, offer a holistic perspective on the phenomenon of migration, and solidify the findings through triangulation.

The research remains at the regional, state, and subnational levels, avoiding the international level, meaning global governance, because if another layer of research was added, it would complicate the structure of the research and would not allow me to delve enough into the other levels. The international level would require a separate PhD to analyse it. Due to time and word limitations, the level is avoided, but some part of it emerges at the subnational level as some actors have international presence like large IGOs, such as the IOM.

Through the above research, it will be shown whether the type of governance in Greece is more like government, meaning it keeps the state at its centre, with more hierarchical institutions based on sovereign command/coerce methods or on more decentralised forms of governance that allow the deep emergence of synergies between the different actors involved in policymaking.

Saunders et al (2019) support that the research philosophy of a study is the last stage of the research onion. Critical Realism is a framework that supports that there is an objective reality, but it also emphasizes that human experiences and social settings always act as mediators in our understanding of this reality and therefore it often views social phenomena from the perspectives of those involved, focusing on context and experiences. For these reasons, it often works well with qualitative analysis and case studies. Knowledge is theoretical and prone to error, but it doesn't adopt the extreme view of positivism and constructivism where knowledge can either be known as driven by logic or is only socially structured, which I believe they don't describe social phenomena. There is a world independent of human consciousness and a dimension determined by our knowledge and the way we perceive reality. For this reason, the thesis examines both the economic and political needs of the Greek labour market and the development of the theoretical framework and policies, which is something given but I also examine the perceptions of the agents about these needs and these rules.

The thesis brushes off generalisations and focuses on labour migration governance in Greece and in the EU environment. Therefore, it sacrifices generalisation for detail, and even though it is possible to approach reality through theory, the research is not theory-driven. The thesis is based on causal analysis to uncover patterns of behaviour and tendencies in policymaking in Greece, even though human knowledge can be limited.

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Part I The EU Labour Market Strategy and the EU Labour Migration Legal Framework

Chapter 1. The EU Labour Strategy

Neoliberal reforms were adopted after the 2008 financial crisis to discipline fiscal “sinners.” Viewing the crisis through the prism of the economic cycle the EU institutions assume that the system will return to natural equilibrium by stimulating the market through restrictive, disciplinary, and austere fiscal policies. The crisis allowed the EU institutions to intervene dynamically, embed austerity permanently (Jessop, 2013), establish an ordoliberal economic governance and present it as a panacea, even though austerity being an extension of the Stability and Growth Pact has failed to withhold the 2008 financial crisis. The troubled MSs to obtain the rescue packages were forced to make painful adjustments based on strict austerity reforms that prolonged the recession, increased unemployment, and in the end, widened the economic disparities between the core and periphery states.

After the Greek crisis was transformed into a Eurozone crisis the EU created technocratic mechanisms to avoid “ad hoc solutions.” Without consultation with national parliaments and because for European institutions, the time required extraordinary measures, the European Union built a complex of economic institutions that further limited the free action of states in shaping their economic policies. The democratic deficit, a structural element of ordoliberalism, characterised EU policymaking after the 2008 crisis.

Regarding the EU labour market, the ordoliberal response to the crisis came with a package of measures that promotes downward flexible wages along with internal devaluation to restore competitiveness in MSs by lowering labour costs. The compulsory nature of the economic measures has established permanent ordoliberal austerity.

The ordoliberal response to the 2008 financial crisis, which is based among others on downward flexible wages has been envisaged before the crisis and embedded in the EU labour market strategy. Flexicurity is an ‘integrated strategy’ that aims simultaneously to establish flexibility and security in the labour market (European Commission, 2007.) Flexicurity was adopted in 2007 in the context of the European Employment Strategy and the Lisbon Strategy. Flexicurity, according to the Council (2008, p. 3), is negotiated between governments and their social partners, which means that it is advantageous to both sides in an employment relationship and improves productivity while easing labour market transitions (The European Council, 2008). The indispensable need for finding a balance between the rights and responsibilities of employers and workers gave rise to Flexicurity.

It is a strategy, an institution that the EU has built to address challenges in the labour market and even though it was adopted before the 2007-2008 financial crisis, it was almost completely left untouched after the crisis. It is based on the following components (European Commission, 2007):

- Flexible and reliable **contractual arrangements** (from the perspective of the employer and the employee, of "insiders" and "outsiders");
- Comprehensive **lifelong learning** strategies to ensure the continual adaptability and employability of workers, particularly the most vulnerable.
- Effective active **labour market policies (ALMP)** that help people cope with rapid change, reduce unemployment and ease transitions to new jobs.

- Modern social security systems that provide adequate income support, encourage employment and facilitate labour market mobility.

Flexicurity is built on the ‘Hartz reforms’ that were adopted in Germany in 2003 after a long period of low economic growth and high unemployment. Based on heavy liberalizations and de-regulation of the labour market it sets the focus on establishing long-term relations between the firm and its employees with investment in vocational training and welfare benefits on the firm level, especially for highly qualified workers provided the employees would accept flexibility in hours, labour mobility, wage reduction increase productivity and competitiveness. In exchange, job security would be guaranteed (Centre for Public Impact, 2019.)

The ability to build long-term and steady relations with employees is essential for ensuring sufficient capital accumulation. The scope of Flexicurity is to build these close, interdependent, and long-term relations by bridging the gap between the needs of workers and employers on the basis that employers need labour flexibility to improve productivity and employees need job security. As the Council highlights “Employees seek greater flexibility to reconcile personal and working life” (Ibid, 4.)

It is noticeable that special attention is set on workers from vulnerable social groups such as women, young people, older workers and migrants, who are often referred to as target groups, being “over-represented among labour market outsiders” (European Commission, 2007.) Flexicurity is portrayed to facilitate entry points to enable those out of work to find a job and reduce the divide between “insiders” and “outsiders” in the labour market to promote equal opportunities. Even though, this way of thinking refers to the social market economy, which is a pillar of ordoliberalism, in the following section it will be highlighted that this is an ordoliberal strategy mostly favouring employers. Macroeconomic stability has steadily taken precedence over labour rights leading to the adoption of conflicting measures that fail to reconcile competitiveness, and deregulation with social inclusion (Likic-Brboric, 2010.) Migrants due to their propensity to accept unusual and dangerous working conditions (flexible labour) play an important role in the success of the EU labour strategy.

1.1 A Critique on Flexicurity

In Europe, the labour market is quite fragmented. A variety of labour regimes coexist where national characteristics prevail, and different objectives are seen as a priority. For example, in Germany, the policymakers would be willing to sacrifice employment in favour of profitability, something which policymakers would be more reluctant to do in France. However, it is impressive that in such a different labour market landscape the trends are similar in terms of labour market reforms, in the context of Flexicurity.

Economic austerity became the cornerstone of the EU response to the 2007-2008 global financial crisis and the instruments that were adopted were envisaged in the Flexicurity strategy. The Commission to account for productivity improvements, suggested that Member States should update their wage-setting processes. Austerity measures have been adopted like short-term and flexible contracts, along with notice period reductions, and new working-time arrangements that made it simpler to fire employees (European Parliamentary Research Service, 2013). The support that MSs have given to job creation was minimal compared to

the emphasis on labour market deregulation. The social dialogue was minimized by either eliminating or suspending the national collective agreements or favouring firm-level agreements. Alternative forms of representation to labour unions are promoted with non-union employees taking the lead (European Parliamentary Research Service, 2013, p. 3). Consumption and value-added taxes, less affordable access to social services narrow social safety programs and labour flexibilization strategies increase the precarity and wage insecurity of workers, particularly for women workers and immigrants (Muchhala, 2022).

The International Labour Organisation [ILO] and the European Commission researched the labour market measures in the EU from 2008 to 2013 that address the labour market challenges (Gama, Saget and Eyraud, 2015). In the context of Flexicurity, the researchers have identified on average 19 policy measures per country and 87 interventions per year. Greece has taken 41 measures, the largest number in the EU.

Non-standard employment measures, such as part-time work, domestic work, fixed-term contracts, and others, make up about 22% of the policy measures (Gama, Saget and Eyraud, 2015). For example, in Germany, the stronger European economy in 2009, 30% of firms employed flexible working time, 20% partial unemployment, 28% reduced the number of permanent employees, 24% limited their use of temporary agency workers and 13% did not renew workers fixed-term contracts (Bogedan, Brehmer and Herzog-Stein, 2009). In the UK, as well as in Ireland, adjustment took the form mainly of wage restraint (1% reduction in 2009) and of a sharp decline in full-time jobs (10.1%) (Delahaie, 2009, cited in Lallement, 2011). In other countries like France and Greece, part-time contracts have increased significantly but in a nonlinear manner (European Commission, 2018). What is noteworthy is that non-standard employment measures were implemented well before the 2008 financial crisis, something which shows that the ordoliberal stance has been long before well-established in Europe.

Working time and work organisation measures (retirement, temporary layoffs, working time reductions, and others) make up 17% of the measures. These mostly enable businesses to defer labour expenses rather than terminate workers. 13% was dismissals, and 13% was legislation that facilitates dismissals like reductions in periods of notice. Greece, Slovakia, and Spain were the countries, where the highest number of dismissals were recorded. In Denmark, employees reduce their working time in exchange for a guarantee of employment (work sharing.) In Spain, the 'equality plans' allow women to stay in the labour market adapting working hours to family responsibilities with the analogous reduction in wages (Council of the European Union, 2008.)

The remaining measures consist of various ALMPs, each representing a smaller percentage of the overall measures, and they refer to interventions that support temporarily vulnerable groups outside the labour market like women, youth, and migrants. Vocational training was 42% of ALMPs and employment incentives 37%, while fewer considered direct job creation (Gama, Saget and Eyraud, 2015.)

Many scholars argue that wage restraint measures are unfounded as they can negatively impact economic growth, and decrease consumption, and aggregate demand (Lapavistas, 2019; Siglitz, 2012; Stockhammer and Onaran 2012; Varoufakis, 2018). Wage stagnation, in the long run, becomes a source of instability because the decreasing aggregate demand is not substituted by private investment (Onaran and Galanis, 2014.)

Some studies focus on the EU context, and they show that the falling wage can moderately benefit the trade balance, but it decreases aggregate demand prohibitively (Onaran and Galanis 2012; Onaran and Galanis 2014). Overall, flexibility in the labour market has not been successful in terms of adjustment and guaranteeing workers' welfare (European Commission, 2018). Workers in nonstandard forms of employment usually earn less than those in regular employment, and access to training programmes is frequently more constrained. Most of the Mediterranean MSs (The Republic of Cyprus, Greece, Italy, Portugal, and Spain), as well as two more recent ones (Bulgaria and Romania), make up the seven states with the largest percentage of involuntary part-time employment, meaning that people were obliged to take on part-time jobs in the absence of more stable full-time jobs.

The European Commission (2009) published a study about legislation and institutions in the EU labour market, focusing on Flexicurity. In an ordoliberal frenzy, it claims that if labour mobility and wage constraint are hindered, relative prices are skewed, and employers' capacity to respond to shocks is limited. Institutions that place barriers between utility maximization and socially efficient outcomes discourage participation in the labour market and mobility, which eventually results in higher unemployment. It is taking the view that in times of crisis, the employees should accept wage reduction, something which is baptised as wage flexibility. It is acknowledged that Flexicurity is undoubtedly the strategy that the MSs should adopt to address the crisis challenges (European Commission, 2009.) Flexicurity does exactly that: it limits the state's capacity to intervene between the employers and the employees: "It (Flexicurity) is not limited to more freedom for companies to recruit or dismiss, and it does not imply that open-ended contracts are obsolete. Flexibility is also about flexible work organisations, capable of quickly and effectively mastering new productive needs and skills, and about facilitating the combination of work and private responsibilities" (European Commission, 2007.)

These painful measures to the employees are combined with job security measures such as social benefits and ALMPs aiming at upskilling. Even though, the Communication about Flexicurity mentions that "It is also about adequate unemployment benefits to facilitate transitions" it highlights that "Good unemployment benefit systems are necessary to offset negative income consequences during job transfers, but they may harm the intensity of job search activities and may reduce financial incentives to accept work. This can be largely offset by setting up efficient job search support and work incentives, ensuring a balance between rights and obligations" (European Commission, 2007.) A rise in social benefits increases labour costs and decreases employment if workers do not modify their wage demands (Lindbeck and Snower, 1988, cited in European Commission, 2009). According to the same Commission's paper (2009), unemployment is positively correlated with generous unemployment benefits, and a high tax wedge and negatively with active labour market policies (Elmeskov Martin and Scarpetta, 1998 in European Commission 2009; Layard and Nickell 1999 in European Commission 2009). Therefore, this ordoliberal set of rules supports a fundamental change in the labour market that boosts competition between different labour categories, to push people to search for a job instead of resorting to unemployment benefits. The ultimate goal is to increase profitability by depressing wages, via competition.

The aim is repeatedly stated to be for more people to search for a job. ALMPs can be punitive measures in the sense that they focus on quickly placing "outsiders" in jobs and sanctioning the non-compliant "outsiders" by stopping the benefits (Umney *et al.*, 2018). According to

Decressin *et al.*, (2001), these measures should discipline labour by concentrating it on clearly identified beneficiaries because this boosts competition in the labour market. This disciplinary role is planned for migrants and other vulnerable groups that seek to enter the labour market (analysed below).

For the Commission, besides for ALMPs wage bargaining influences job creation. The less labour protection, the higher the job creation rates (Gomez, Messina and Vallanti 2004, in European Commission, 2009.) Young men, young women, less educated men, women, and migrants can have higher relative wages as a result of bargaining institutions, which, according to Blau and Kahn (2000), results in lower relative employment rates (Blau and Kahn, 2000.) Increasing competitiveness between existing employees and job seekers favours employers, especially at firm or sector-level bargaining (decentralised bargaining). The Flexicurity strategy promotes decentralised bargaining as it seemingly offers greater relative wage flexibility, more freedom for negotiation on matters like compensation, working hours, and working conditions and facilitates the adoption of pay schemes that improve productivity (European Commission, 2009, p. 19-21). Collective bargaining was viewed as part of the problem that did not allow governments to show capacity for sustainable fiscal policies. In many Member States, firm-level bargaining has prevailed over sectoral agreements and collective agreements. In Greece, the right of an “Association of Persons” (not a trade union) to be involved in collective bargaining can facilitate wage reduction (see next chapter.)

Flexicurity is a strategy based on neoliberal ideas, which establishes strict rules in the labour market. Ordoliberalism views the extension of market mechanisms to all spheres of social life as necessary to produce economic efficiency. This marketisation of the state and of the individual calls for no intervention between the employers and employees, especially, in times of crisis, to absorb the economic shocks better (Bujaki, Gaudet and Iuliano, 2017; Foucault, 2008). Particularly in the EU asymmetric shocks can be frequent, as monetary instruments (such as national monetary policy and exchange rate adjustment) are no longer available.

In essence, these are indications that Flexicurity's two objectives contradict each other, or at least are difficult to pursue together. The way that Flexicurity is implemented in response to the financial crisis demonstrates that it is an ordoliberal strategy aimed at squeezing wages and holding down labour costs through austerity. The role of vulnerable groups, especially migrants, is key to the implementation of this strategy.

Finally, it is striking that labour migration is decoupled from the EU labour policy as labour migration is hardly mentioned in the Flexicurity directive. Excluding immigration policy, the only policy that regulates immigrant labour relations and treats it differently from general labour laws, is a way to separate immigrants from other categories of labour, leaving room for discriminative actions, as well as exploiting loopholes that fail to safeguard labour rights.

1.2 Flexicurity and the Role of Migrants

Flexicurity focuses on vulnerable groups, which often call the labour market “outsiders.” According to the Commission (2007), “Flexicurity should reduce the divide between insiders and outsiders in the labour market.”

The success and viability of the reforms depend on the behaviour of the “outsiders” and their integration into the labour market (European Commission, 2009.) The reason is that their predicament may make it easier to coerce their support against the constituency of the people already employed. Current employees' influence can be contained during collective bargaining, and the status quo in the labour market may change for instance, by liberalising temporary contracts or by introducing pension reforms that apply only to “outsiders.” The presence of immigrants especially illegal immigrants in the labour market, among others, decreases the bargaining power of domestic organised labour (Talani, 2015). ALMPs are usually ineffective if they do not focus on certain target groups (Decressin et al., 2001). ALMPs force present employees to accept wage restraints since they enhance market competition from jobless individuals (European Commission, 2009, p. 24-27.) Because they reduce labour's strength concerning capital and, in a sense, weaken the institutions that already exist in the labour market, these labour market reforms constitute methods of discipline (Umney et al., 2018).

The Flexicurity strategy identifies factors that prevent the “outsiders” (women, youth, immigrants) from looking for a job, like the upbringing of children or the lack of skills and the stagnation in difficult social predicaments. According to the Commission, “The costs in terms of efficiency loss of transfers are likely to be small when they go to the segment of the population with no capacity of changing their behaviour” if they are paid on the condition that the behaviour will change (Blank 2002 in European Commission, 2009). Coupled with the fact, that unemployment benefits are reduced in the context of flexicurity, out of necessity, the prospective employees are coerced to accept flexible working conditions. ”By reducing the relative gain of activity compared with inactivity” meaning by reducing the reservation wage, prospective employees are more incentivised to search for a job than before (European Commission, 2009.) Migrants, as well as women and youth, have high labour supply elasticity, meaning that it is more difficult for them to keep their jobs in times of crisis than other categories of labour. This gives the state a bargaining leverage against this group. Therefore, by reducing social benefits job searchers, are willing to accept a lower income to exit the benefits system (Dörre, *et al.*, 2013.)

Wage restraint is a key concept in the Flexicurity strategy. Several studies address the question of whether the presence of migrants facilitates it or not. In the literature, the findings on the impact of immigration on wages are mixed.

Tabellini observes that immigrants are usually constrained to low-skilled jobs, being substitutes for native workers (Tabellini, 2018) and therefore wages are not greatly affected. Similarly, Kahanec supports that even though the 2004 EU enlargement increased labour supply, the long-term effect on wages was negligible due to low complementarity to native workers (Kahanec, 2013.)

Borjas' (2003) analysis of the US labour market from 1960 to 2001 shows that immigration reduced the real wages of locals in similar jobs. The conclusion was that immigration, in addition to wages, negatively affected the employment of locals. This negative effect on wages varies from labour group to labour group, with unskilled workers receiving the biggest downward pressure on their wages. Ottaviano and Peri (2007) highlight that those who suffer the most from immigration are the least educated locals because they are the ones who are not

homeowners. Thus, the reduction of their salary and, at the same time, the increase of their rent due to the arrival of immigrants leads to their migration.

Other scholars focus on how immigrants compete in the labour market with natives that possess similar skills, and they find depressive wage effects from immigration (Glitz, 2012; Mayda, 2006; Bonin et al., 2008) while some researchers estimate negative wage effects on the economy in the short run (Bratsberg et al., 2014). While immigration reduces wages, it increases the revenue of other social units, such as companies. In Germany, a 1% increase in low-skilled labour leads to a 5.9% decrease in the wages of blue-collar workers (Overbeek, 2000.) Kerr and Kerr (2011) support that for most MSs, the presence of immigrants has reduced average wages because of the lower skills that immigrants bring into the labour market.

A study conducted by the European Central Bank in 2019 has demonstrated that from 2013 to 2019 the labour market in the EU has strongly recovered, and the unemployment rate has fallen in many EU Member States. However, wage growth has remained subdued (ECB, 2020.) This disconnection between the labour market and wage growth is attributed to a variety of factors like low inflation, an economy that grows below its potential, changes in labour market regulations that affect the bargaining structures and structural shocks related to the demographic problem, as well as migration (Ibid.) Even though the ECB points out that there is no conclusive evidence regarding which of these factors is of major importance, it admits that the ageing of the labour population should have a positive effect on wage increases. Since growth is unlikely to have been a contributing factor to low wage growth, the effects of migration, even if difficult to capture in detail, are significant (Ibid.)

It is noteworthy that in Germany (the biggest European economy), Austria, Luxemburg, and Malta, migration has played a significant role in the low wage growth, contributing more than 50% to total employment growth. The Deutsche Bundesbank estimated that labour market net immigration showed limited wage aggregate growth since 2013 (Ibid, 2020.)

Even though the OECD observes that immigration's impact on wages is either low or minute, it also points out that it is questionable whether the wide spectrum of labour market adjustments to immigration flows is researched in depth, and it supports that besides the wage growth, more light should be shed on the various ways that the labour market adjusts to immigration (Jean and Jimenez, 2007).

Although the findings on the effects of immigrants on wages are not conclusive, in the short and medium run, there is evidence that immigrants are paid less than natives. ILO has conducted a comprehensive global analysis regarding the migrants' pay gap, elaborating data from 49 countries, 33 High-Income Countries (HICs), and 16 Low- and Middle-Income Countries (LMICs) (ILO, 2020.) This study covers almost 50% of international migrants globally and approximately 33.8% of the international migrant workers. This report has highlighted that during the last decade, the gains accruing from wage disparities are maintained universally since migrant workers are receiving fewer returns than natives in destination countries, irrespective of their educational and professional background (ILO, 2020; Ohlert, Beblo and Wolf, 2016.)

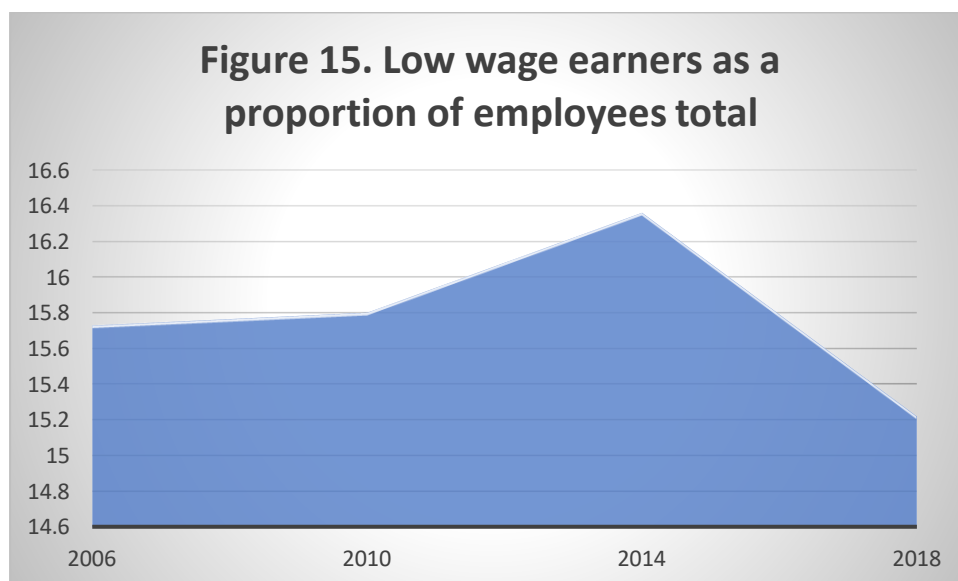
The wage gap between migrants and nationals across the EU Member States is about 8.6% (hourly wages) to 16.8% (monthly returns) in favour of nationals (ILO, 2020.) Even though

educational level and years of professional experience are portrayed as factors that lessen the wage gap, the study also finds that in many high-income countries, there is a wage gap between migrants and nationals of similar educational and professional backgrounds, even for highly qualified workers (ILO, 2020.)

Research on the impact of migration on wages in sectors and the economy suggests a downward effect, particularly for low-qualified workers, in the short and medium term. This effect is in line with the scope of the European labour market strategy (Flexicurity) to build a flexible market by containing wage increases, and once again, what is highlighted is that migrants are a key component to the success of this strategy. A key objective of Flexicurity is the upskilling of labour. More specifically, it is stated that “There must be more winners from the process of change and more upward mobility” (Communication of Flexicurity, 2007). For example, in the ‘Strategic Framework for European Cooperation in Education and Training’ it is stated that “We aim to ensure that by the end of 2020, the percentage of 30-34-year-olds with a tertiary education will climb to 40%” (<https://ec.europa.eu/>, n.d.) The European Union is investing heavily in upskilling, something reflected in the fact that in 2020, the share of the above category of labour had already reached 41%. The relative share for foreign-born workers was approximately 35.5% (Eurostat, 2023.). In 2023, the share of the population aged 30-34 years with tertiary education reached 43.9%, and 38.6% for foreigners (Eurostat, 2023.) According to the European Commission, millions of Europeans will have to upskill or reskill to keep up with fast technological changes in the coming years.

Low-qualified immigrants in the labour market allow local labour to upskill. If low-wage migrants are substitutes for native workers, then according to Lewis, a labour shock from migration would cause the low-wage sector to grow in size, as employees would be investing in cheap, low-skilled labour processes (Lewis, 2011; Ottaviano and Peri, 2012), interested in the role of capital accumulation, have highlighted another potential development, based on the response of natives to the inflow of low-paid migrants. They argue that if native workers respond by enhancing their skills, moving up from low-wage jobs to medium and high-skilled occupations, the effect on wages will be negligible and low-wage sectors will not bloat.

Figure 1.1 Low wage earners as a proportion of employees’ total



Source: Eurostat, (2022) Dataset: EARN_SES_PUB15

Andersson, Eriksson, and Scocco have researched the impact of low-wage migration in the EU 15. They argue that from 1995 to 2015, employment in low-wage sectors increased by 1.3% in the EU, while Scandinavian countries have experienced less of an expansion. In Southern European countries, the sector has expanded slightly more than 1.3% (Andersson, Eriksson, and Scocco, 2019.) According to their findings, immigration has a limited impact on the growth of the low-wage sector in the EU, while Goos also supports that the growth of the low-wage sector is more related to globalisation and technological advancements (Goos, Manning and Salomons, 2009.) In addition, they support that an exogenous labour supply shock could drive native workers to invest more in the enhancement of their skills, and in the long run, this could facilitate the reallocation of natives to more skilled demanding jobs because immigrants will be covering the low wage positions (Andersson, Eriksson, and Scocco, 2019.) Indicatively, as shown in Figure 1.1 the low wage earners in Europe are decreasing.

In central and eastern Europe, especially in the Czech Republic, Hungary, Croatia and Slovenia, the labour force is upgrading skills, a trend that will continue until 2030. Dynamic upgrading is also the case in all Baltic states. To a lesser degree, the Nordic States continue to upgrade while polarisation is dominant in Germany, France, and the Netherlands. In South Europe, especially Greece and Spain, upgrading is observed in lower-level occupations (Ibid, p. 85-86.)

The free mobility of labour is directly linked to upskilling and the amelioration of impacts from an economic shock. In the Communication on Flexicurity, the following are acknowledged: “Benefits for citizens and society would accrue from enhanced mobility of workers between enterprises. Workers will be more inclined to take risks associated with job transfers if benefits are adequate during transition periods” (European Commission, 2007.) The positive impact of labour mobility in currency areas is well established by Mundell in 1961 when he suggested that economic shocks in one area would be easier to absorb if labour moved from one region to another with less unemployment (Mundell, 1961.) Similarly, Zimmerman and Ritzen (2014) argue that enhancing labour mobility lessens the impact of labour market shocks and improves market efficiency. Blanchard and Katz (1992) believe that migration is an effective way to deal with labour shocks. They identify it as playing a major role in achieving market equilibrium during the first year following a labour shock.

Amuedo-Dorantes and De la Rica (2010) emphasize migrants' tendency to move to places to find better jobs. In search of better wages and improving their human capital, highly qualified immigrants seek to move to places with better opportunities. According to Guzi's research on immigrant mobility in the EU-15, immigrants are typically more flexible than natives when it comes to work prospects and more mobile (Guzi, Kahanec and Mýtna Kureková, 2015). The European Investment Bank (EIB) highlights that migration is necessary to compensate for the low mobility of native workers (Ibid, p. 32.)

The EU leans on labour mobility as an adjustment mechanism (European Commission, 2016). According to the EIB, labour mobility absorbs a quarter of asymmetric labour shock (De Lima, Bernabè, *et al.*, 2016.) Basso, Amuri, and Peri (2018) state that the average elasticity of population size to employment shocks is 0.2 and 0.8 for the EU and the US, respectively. This means that 2% of the EU population would react to a labour shock by

moving to another EU area. They also find that the foreign-born in the EU have an average elasticity to employment shocks closer to the US rate, and therefore, states with fewer immigrants are less likely to react effectively to labour shocks (Basso, D'Amuri and Peri, 2018). Beyer and Smets (2015) conclude that the regional adjustment process in Europe may be slower but is converging to that of the US, partly because migrants can dampen the fluctuations of unemployment in the EU areas by substituting natives' mobility (Beyer and Smets, 2015).

OECD research concludes that long-term residence in the EU has a sizable impact, with the data indicating that third-country nationals with this status are 5% more likely to be mobile than those who do not (Poeschel, 2016.) For the above reasons, the same mobility rights are acknowledged for all EU citizens, and the norms for TCN mobility gradually improve. Therefore, the presence of migrants helps to achieve another goal of Flexicurity.

The EU invests heavily in digital transformation and, therefore, in labour upskilling. It is human capital rather than physical capital that leads to endogenous growth. Similarly, the stock of human capital determines the growth rate through technological change and integration into world markets. However, in the race for global talent, it has remained behind its rivals like Australia, Canada, China, and the US. Highly qualified migrants contribute to the Flexicurity scheme because, on average, they are paid less than local highly qualified labour (see above). Irrespective of the development stage of the economy, if migration inflows are excessively high or the educational background of immigrants to natives is low, growth can be reversed (Lundborg and Segerstrom, 2000; Becker, Murphy and Tamura, 1990). The admission and mobility of highly qualified workers is a structural necessity that produces as well as contributes to the reorganisation and restructuring of the economy (Pellerin, 2015).

Under the ordoliberal perspective, suppressing wages can become a survival tool for Western economies. Indicatively, in the case of Ireland, it is not just the high-tech export-led industry that has made it an attractive destination for FDI. It is the country's geographic position as a connection node between the global and local European high-tech production capital, along with the relatively low cost of highly skilled labour, which has allowed Ireland, during the last few decades, to proceed with skill-replacing (Frobel, Heinrichs and Kreye, 1978.) Ireland was the sixth most attractive destination for highly skilled migration among the OECD countries in 2019 (OECD, 2019.) Interestingly enough, Ireland is not participating in the EU Blue Card framework following its own rules for the admission of highly skilled workers.

Another important reason why states prefer highly skilled immigrants is that they do not cost the same to the welfare state as low-skilled foreign workers. Countries that set selective programs for highly skilled immigrants are more likely not to burden the welfare system as they would if they admitted low-skilled labour. Highly skilled immigrants are incentivised to move to a country to enhance their human capital, while low-skilled migrants would choose a generous welfare state to be compensated for their journey from the state's economic benefits (Borjas, 1994. It should be mentioned that employers often prefer immigrants because, besides exploiting a more flexible labour force, in terms of wages and demands, they tend to be more skilled (Schierup and Castles, 2011.) The presence of migrants significantly facilitates the implementation of the EU labour strategy.

1.3 Flexicurity and Irregular Migration.

Illegal entry is frequently associated with irregular immigration and most often when irregular migration enters the political agenda, illegal entry is assumed. However, determining what constitutes irregular immigration and which immigrants fall under this category is challenging. Besides for the migrants who are admitted illegally, there are those that have entered legally but for various reasons have lost their legal status. The majority of irregular inhabitants entered legally, primarily as tourists and then as students (Ambrosini and Hajer, 2023.) According to Menjivar (2006), immigrants can be in a state of "liminal legality," which is neither completely authorized nor undocumented or in a state of "semi-legality," such as living lawfully but working without the required authorization (Kubal, 2012), or they might be awaiting the issuance of their permit or the finalisation of an appeal judgment or simply lost their job.

Therefore, even if the foreigners have not entered illegally or are not overstayers, they can obtain residence permits as tourists, students, or asylum seekers, and they work out of necessity (Ambrosini, 2023.) The problem becomes even more complicated when we link irregular migration to documentation. This means that we can also import into this category immigrants who may be legal in the country and have the right to work but for many reasons, which will be analysed in detail in the case study of Greece, choose to work in the shadow economy, meaning without their work being declared to the authorities. In Greece this phenomenon is particularly widespread even for local workers.

In EU, most undocumented migrants enter the EU lawfully on short-term visas and stay after their visa expires for economic reasons (www.europa.eu, n.d.). In Greece the phenomenon of irregular migration is very intense because many of the migrants that enter legally are in difficulty to renew their permit due to reasons like the economic crisis and a strict system of renewal of permits. According to Triandafyllidou and Vogel (2010) It appears that "status-related flows" are far more significant than "geographical flows."

Flexicurity refers to employees who work legally in the Member States. Nevertheless, it is fundamentally linked to irregular migration in many ways, stemming from the above expanded definition of migration. It views informal employment as a marginal phenomenon that can be controlled, and it encourages atypical and more flexible forms of employment over standard employment as a means of absorbing unemployment. Atypical and flexible work is one of the fundamental components of Flexibility, even though it is a less stable and secure form of employment.

As assumed above, irregular migration refers not only to the illegal entry of migrants but also to forms of work that are not declared even if the migrants are legally present in the host countries. More often immigrants enter the country legally and fall into irregularity. Usually, people who are trapped in this situation succumb to forms of atypical work as those described in Flexicurity. This way Flexicurity becomes relevant for irregular migrants too. This interrelated relationship between formal and informal employment reproduces informal employment and exerts pressure on formal employment, particularly during crises.

The problem is that Flexicurity neglects this exchange between formal and informal employment and often overlooks informal employment as a marginal phenomenon,

perpetuating the assumption that it will disappear with the expansion of capitalist production in peripheral regions (Gialis, Herod and Myrdis, 2014.) It is assumed that promoting non-standard forms of work will reduce both unemployment and the incentive for employers to resort to undeclared work or employ irregular migrants. When the crisis in the labour market is over, these atypical forms of work will be reduced, while the illegal form of work will have been eliminated.

In essence, even though atypical and flexible employment is justified as a means not to fire employees, it is a way to reduce wage cuts, and it often undermines workers' rights and earnings in standard waged employment. As already explained in the Flexicurity chapter, migrants, particularly undocumented workers, who are increasing post-crisis, are often used to reduce wages and regulate contracts for the 'insiders' of the labour market.

Because there is a greater supply of cheap labour, irregular migration lowers wages, especially for low-skilled native workers. Borjas emphasizes how firms and highly skilled people benefit economically from this, while low-skilled native workers suffer and highlights that governments frequently must choose between political pressure to control borders and lower the costs of migration and economic advantages of cheap labour) (Borjas, 2016.) In essence, irregular migration benefits economic interests, especially in industries like agriculture, construction, and domestic work, governments may openly denounce it while tacitly permit it. This can explain the gap between restrictive immigration laws and actual enforcement (Freeman, 1994, 1995.)

Borjas finds that undocumented migrants exhibit a higher propensity to work compared to other groups. This assumes that undocumented immigrants significantly contribute to the labour force. For these reasons the labour supply elasticity of undocumented migrants is close to zero, indicating that their labour supply is almost perfectly inelastic. This means that their willingness to work remains constant regardless of wage fluctuations, providing a reliable labour source for various industries. This is important particularly in terms of consistent labour force participation and reliability across economic conditions (Borjas, 2016.)

Gary Freeman contends that political and economic forces frequently lead to the tolerance of illegal migration. "Client politics" are closely linked to migration policy, including irregular migration policy and even if the broad public may be against irregular migration, well-organized interest groups—like firms that profit from cheap labour—have significant influence to maintain lax or poorly implemented rules. Employment security in the labour market often requires state intervention, contradicting efforts to establish free markets. Countries often tolerate informal employment and passivity regarding labour law violations, as they are overlooking that flexible and atypical forms of employment do not secure employment but diminish labour protection to the minimal.

1.4 A brief presentation of the EU Economy needs.

Even though the analysis of the EU economy is not an object of research of this Thesis, it is important to underscore that contrary to what is on the media or a part of the society believes, migrants benefit the EU economy. The EU has suffered sharp growth declines owing to overcapacity, inflation, and the economic power shift to the East. Even though labour productivity has risen since the 2008 financial crisis, the growth rates in industrial states

remain near historic lows (Brenner, 2006.) This leaves Western economies in trouble because the lingering demographic problems do not allow them to rely heavily on productivity to support economic growth. From 2014 to 2020, the GDP per capita growth for the EU reached an average of 0.7 percentage points, 0.99 for the US, and 4.5 for BRICS. By 2030, China is expected to be the largest economy in the world. Since the mid-1980s, the EU GDP per capita has not caught up even in comparison to other Western economies like the US (European Investment Bank, 2016.)

The old-age dependency ratio (the number of persons aged 65 or over per 100 persons aged 15-64) from 30% in 2019 will climb slightly below 47% by 2030 and almost 60% by 2100. In modern Europe, sustained economic growth has never been achieved without a population increase to generate investment and consumption opportunities (www.europa.eu, 2022.) According to the Parliament (2011), ‘We would need (the EU) 3.2 million immigrants a year between now and 2050 to keep the age structure as it currently is (European Parliament, 2011.)

Migration has played a positive role in tackling the demographic challenges. In 2021, 23.7 million people were non-EU citizens, 5.3% of the EU's total population, 37.5 million people were foreign-born (non-EU citizens and foreigners that have become citizens through nationalisation), 8.4% of the EU's total population (www.commission.europa.eu, 2021.) The foreign-born population is increasing, and the MSs are unwilling or are not in a position to control effectively the flow of foreigners. In 2020, the median age of the EU population on January 1, 2021, was 44.1 years, compared to 30.3 years for immigrants in 2020 (www.eurostat, 2022.)

According to the OECD (2013), between 2007 and 2009, immigrant families in 27 OECD nations averaged 0.3% of GDP in national budget contributions. EU migrants have made positive contributions to public finances in Austria, Germany, and the UK; Migrants receive fewer benefits related to age and health because they are primarily young and concentrated in the 20–44 age range (Bogdanov *et al.*, 2014). JRC's study reveals that the net contribution to the EU's fiscal system is positive until the age of 59, with natives contributing more than EU migrants (12.500), highly qualified contributing almost the same the EU migrants (around 11.000) and 6000 for the other migrants. After 59, it declines to 6000 for all groups, and becomes negative after 69. In 2035, the average annual net fiscal contribution of extra-EU immigrants would exceed natives by about 1,570 euros per capital. The negative impact of high immigration can be attributed to lower levels of education of extra-EU immigrants (Mazza, 2023.) Highly skilled migrants are most often net contributors, whereas low-skilled migrants or refugees are mostly net recipients (Boeri, 2010.)

The EU needs both low- and highly qualified migrants, but for reasons mentioned before, it focuses on highly qualified TCNs. These needs are reflected in the EU legal framework on legal migration. More about the migrants in the EU economy will be mentioned in the chapter where the Greek economy is analysed.

Conclusions

Ordoliberal principles underpin the Flexicurity strategy, which sets stringent austere regulations on the labour market to achieve economic efficiency and absorb economic

shocks. Containing labour expenses and protecting employee wellbeing, especially for disadvantaged groups, are two goals that Flexicurity targets. However, at the very least, it is difficult to pursue both goals at the same time. The way that Flexicurity is being implemented, in response to the financial crisis, makes it abundantly evident that its goal is to control labour costs and squeeze out salaries. The strategy's implementation depends partly on the role that is intended for disadvantaged populations, and migrants.

The success of labour market reforms depends on the behaviour of “outsiders”, like MRAs and their integration into the labour market. The presence of migrants and illegal immigrants decreases the bargaining power of domestic organised labour. Labour market reforms are often ineffective if they do not focus on these specific target groups. The Flexicurity strategy identifies factors that prevent “outsiders” from seeking jobs, such as childcare, lack of skills, and stagnation in difficult social predicaments. By reducing unemployment benefits and reducing the relative gain of activity compared to inactivity, prospective employees are coerced to accept flexible working conditions. Migrants, women, and youth have high labour supply elasticity, raising the possibility for them to lose their jobs during crises. Therefore, imposing austere measures like reducing social benefits increases the states and employers’ bargaining leverage against these groups.

Focusing measures on identified beneficiaries, such as migrants and vulnerable groups, to boost competition in the labour market is a measure of disciplining labour. Strikingly, the decoupling of labour migration from “Flexicurity” reflects the deliberate efforts of EU institutions to distinguish migrants from other labour categories, creating opportunities for discriminatory practices, legal loophole exploitation, and violations of laws protecting the labour rights of migrants.

As already pointed out and will be analysed more in the following chapters, this ordoliberal constitutionalism regarding the EU labour market creates workers of different speeds with different labour rights, with a first distinction being made between desirable highly skilled migrants and low-skilled migrants.

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Chapter 2. The EU Labour Migration Legal Framework

2.1 Introduction

To understand the constitutionalism of the EU regarding labour migration, in addition to the role of migrants in the EU labour strategy (Flexicurity), the institutional framework for labour migration needs to be analysed. This will highlight the position provided for immigrants in the labour market and whether the legal framework ensures equality with local workers. Neoliberalism and ordoliberalism are based on segmentation in the labour market, which de facto creates different labour categories.

As already underlined in the chapter analysing the EU labour strategy, flexibility in the labour market becomes a reference point in the European strategy for managing labour market crises. This chapter will show that the legal framework on labour migration complements the EU labour market strategy as both promote flexibility. In particular, the legal framework for labour migration reserves to the migrant a disciplinary role for the rest of the workers, as it creates multi-speed migrant workers with different labour rights and paves the way for similar treatment of the rest of the workers. The way migrants are selected, are admitted in the EU and the labour rights attributed to different categories of migrants are examined in this chapter and highlight the serious issue of establishing a European constitutionalism that creates multi-speed workers.

2.2 Admission of legal Migrants.

According to the Treaty of Functioning of the European Union (TFEU), Member States have exclusive competence to determine the volumes of TCNs that can be admitted to their territories. The European Union can legislate and adopt legally binding acts in areas of exclusive competence. (Treaty of the Function of the European Union, 2007.) Accordingly, the single market and free movement of labour, being areas of exclusive competencies of the EU, allow it to adopt laws that facilitate workers' mobility, including the mobility of legally admitted immigrants into the EU for work (European Parliament, 2015a). Lastly, the TFEU allows the EU to conduct agreements with third countries to regulate the "freedom of movement within the Member States for foreign workers." (Treaty of the Function of the European Union, 2007.)

The admission of migrants in the EU with the purpose of work is linked to a job offer. This ‘demand-driven system’ is structured to align with the economic needs of the labour market, and it refers to a work-centric approach, which, instead of relying on humanitarian considerations, prioritises the recruitment of those workers with specific qualifications that are in demand in the labour market. Therefore, unless the prospective workers are offered a job, they are not allowed to be admitted to the EU labour market; even if they possess the necessary skills to compete with domestic labour. Employers must register a vacancy at the public employment services or the one-stop services, and if there are no local workers that match the profile, the job is advertised at the European Employment Service (EURES), and the public employment services sites.

Several EU Member States have shifted to a hybrid migration system that combines supply-driven and demand-driven admission criteria, primarily through Point Based Systems (PBS). In 2008, the UK became the first state to select highly qualified workers and students this way, with Denmark, Netherlands and Austria following this example. The core states have adopted this approach, while Austria, Denmark, Finland, Ireland, Netherlands, Sweden, and Germany have established well-based hybrid systems.

The goal has been to attract talent from around the world, and to achieve that, they have imported elements from the Canadian system of TCN admission, as Canada has been the most successful OECD state in attracting highly skilled immigrants. In 2012-2013, the share of highly qualified immigrants was 60% of the total, double the OECD average and nearly double the EU average (Desiderio and Hooper, 2016.) PBS are more effective in attracting international talent than prioritising a job offer, shortage lists, or labour market tests because they allow employers to screen, assess, and communicate directly with candidates even in the absence of a job call (Czaika and Parsons, 2017.)

In the Canadian PBS system, the top-ranking migrants can apply for migration programs leading to permanent residence in Canada. The system is continually updated to address the Canadian labour market needs (Desiderio and Hooper, 2016.) Employers in Canada have expressed satisfaction with this system, and the substitution of caps, tests, and shortage lists, which dominated the recruitment process before (Ibid.) Employers have expressed analogous concerns in Europe. More than 25% of the companies that have responded to the 2015 online public survey of the EC on the EU Blue Card have said that under the current admission policies, the burden of hiring TCN is too high (European Commission, 2016a). There is an essential difference between the European and Canadian systems that is, the admission of highly qualified migrants in Europe does not necessarily lead to permanent residence but to long-term residence (OECD, 2020.)

Supply-driven recruitment systems are primarily driven by supply, with migrants' admission based on their skills and needs rather than on labour market needs. This process is less structured and regulated and responds to migrants' economic hardships. Demand-driven migration systems, on the other hand, are guided by the labour and skill needs of the destination country, with policies designed to attract the necessary workforce.

As early as 2006, the Committee on Civil Liberties, Justice and Home Affairs encouraged Member States to grant quotas for certain sectors for highly skilled migrants (European Parliament, 2024.) Often, shortage lists allow for exemptions to labour tests to fill labour shortages because tests are usually an obstacle to attracting foreign workers. In the 2015

public consultation on the EU Blue Card and the EU's labour migration policies, the employers identified labour tests and language requirements as basic obstacles to recruitment. Notably, in 2020 in Europe, nearly all states applied labour tests, except for Greece, Belgium, and Estonia, as the public often opposes the implementation of shortage lists because they facilitate migrants' admission (European Migration Network, 2015.) Austria, France, Germany, Ireland, and Spain have integrated relevant instruments to address skills shortages (European Commission, 2019, p. 11.)

The 2016 'Action Plan on the Integration of TCNs and the Skills Agenda' of the same year highlight the need to incorporate supply-driven criteria (European Commission, 2024a). The development of a 'Skills Toolkit for Third Country Nationals' was announced to support the "timely identification of skills and qualifications" to match the educational frameworks of third countries and revise the 'European Qualifications Framework' accordingly. In 2017, during the second 'European Dialogue on Skills and Migration', the Commission initiated a program called 'Employers Together for Integration', (European Commission, 2024b) where employers can exchange information on successful integration practices like admission procedures and apprentices, they offer to TCNs.

Nevertheless, the basis of the European admission system remains work-centred. Migrants' needs play no role in decision-making, but employer involvement is deepening. Most importantly, separating migrants into low- and highly-qualified workers highlights the 'selective approach' that characterises the admission system.

The debate over the EU's job search visa for highly skilled TCNs has sparked, with few countries like Germany offering such visas for up to six months. Insufficient consular presence around the globe and complex visa procedures that require physical presence often deter potential travellers from applying for a visa (European Commission 2013, p. 6). The European Parliament (EP) supports that job search visas should be considered an option to fill "targeted and occupation-specific jobs", despite the risk of travellers becoming overstayers (European Commission 2013, p. 6; European Parliament 2015a, p. 60). The European Council disagrees and points out that due to the high volume of TCNs overstaying, Member States that have adopted similar schemes were obliged to abandon them or halt them in the past. Exemption from visa requirements already exists (Council of the European Union, 2001), even though there are debates in both the Council and the EP on whether this should be suspended (European Parliament, 2013).

In 2018, the Parliament underlined the need for harmonisation in issuing humanitarian visas, which is a state responsibility. Member States were encouraged to strengthen their consulates, issue visas at the borders, provide sufficient information to applicants and avoid requiring too many documents, such as travel and medical insurance documents, to complete the visa procedure. Issuing visas at external borders could enable Member States to promote short-term tourism, trade, cultural exchanges, and education.¹ The Council accepted most of the amendments, however, it responded that the issuing of visas at the external border should remain exceptional, contrary to what the European Parliament proposed. Most interestingly, it

¹ These actions follow the Tampere Programme line that urges states to establish a common EU visa set of rules as well as common EU visa issuing offices. Later the Stockholm Programme using more careful wording refers to a common European visa issuing mechanism aiming to further harmonization. This vision, even if lingeringly slow is coming to fruition.

proposed a mechanism that allows for the issuing of visas under the condition that third countries accept the readmission of their nationals (European Parliament, 2018.)

In emergencies, MSs can circumvent the visa procedures. During the pandemic, they implemented new visa restrictions, with some imposing closures, and e-mail applications, while others continued to accept applications, allowed processing for certain TCNs, or stopped the process entirely (Sommaribas and Nienaber, 2021, p. 7.)

Thus, the revised EU Visa Code (European Parliament and Council, 2019) allows EU states to weaponize Visas in their external relations, allowing them to suspend them if a country does not comply with EU migration policies, especially concerning combatting illegal immigration and accept their illegally trespassing nationals back.

2.3 Analysis of the legal framework.

The Amsterdam Treaty in 1997, brought migration and asylum policies under the EU's Justice and Home Affairs Pillar making them common European policies, meaning policies that should be managed under common EU rules and laws. At the Tampere Summit in October 1999, the European Council agreed to work towards establishing a Common European Asylum System (https://www.europarl.europa.eu/summits/tam_en.htm, n.d.) It also agreed to build an institutional framework that safeguards the rights and obligations of immigrants and refugees under the principle of equality with EU citizens. For the first time, the language on market integration is subverted to highlight the global role of the EU as an area of democratic institutions that respect human rights (Tampere's 'politics of consciousness').

The time was not yet ripe for bold moves. It took years for the institutional framework to evolve and substantially encapsulate the objectives of the Tampere Summit. The Hague and Stockholm programs, which replaced the Tampere Action Plan in 2005 and 2010, respectively, make it clear that human rights and democratic standards are not national matters apt to national sovereignty but vital issues that merit European protection. The Hague program highlighted the important role of migration for the labour market, but it was the Stockholm program that funded a package of labour migration projects to address market shortages because it recognized categorically that "labour immigration can contribute to increased competitiveness and economic vitality" (European Commission, 2024c.) At the same time, it set the goal of building flexible admission systems into the labour market.

In 2008, the European Pact on Immigration and Asylum was adopted, which acknowledged that "we finally have the chance to give a strong message on the need for better opportunities for legal migration, to address the demands of businesses in urgent need of qualified workers" and secondly that "the return policy could not be looked upon in an isolated way: it should be seen as an integral part – a necessary part – of a total package for migration" (European Commission, 2007; European Parliament, 2010.) After 2008, migration was mentioned more often in the discussions about the 'EU Skills Agenda', in parallel with the debates about the 'Common Immigration Policy for Europe,' reflecting the growing need to address skills shortages.

Since 2008, migration policies have been increasingly mentioned in legislation concerning other EU policies. At first, the contribution of migration was recognized cautiously, but with more references from time to time, in legislation about the Single Market, sustainable competitiveness, minimum wages in the European Union, and others. For example, the Communication on the New EU Trade and Investment Strategy ‘Trade for All’ aligns with the ‘European Agenda on Migration’, emphasizing the importance of services and the necessity of finding legal ways to admit and provide legal certainty to skilled international migrants (European Commission, 2015b; 2015c.) The link between migration policies and, in particular, labour market policies highlights once again the European Union's work-centric approach.

Nevertheless, until 2015 the EU labour migration policy did not receive much attention from policymakers (European Parliament 2015b, p. 14.) On 13 May 2015, after the refugee crisis, the Commission put forward the ‘European Agenda on Migration’ to deal with the high influx of refugees and migrants. What is noteworthy is that in a legal document that manages primarily the 2015 refugee crisis, a whole section is devoted to labour migration policies (European Commission, 2015). Specifically, in the implementing packages of the Agenda on Migration (27 May 2015, 9 September 2015 and 15 December 2015), a pillar is devoted to ‘A new policy on legal migration’. According to the Parliament, even though the ‘European Agenda on Migration’ lacks a clear vision of labour migration policy, it opens a unique opportunity to bring into the political agenda the discussion about how refugees, asylum seekers, and migrants (MRAs) can enrich the labour market (European Parliament, 2015a). The European Agenda on Migration is among the first policy papers that explicitly underline the need for supply-driven “expression-of-interest” systems or points systems to match labour needs.

In 2016, the European Commission (EC) acknowledged that: “Intra-EU mobility and third country migration can positively impact resource allocation, productivity and growth if managed through effective policies that make the most out of the available human capital. Intra-EU mobility and migration are important in bringing labour supply in line with labour demand and steer workers towards those places where their skills can be used most efficiently” (European Commission, 2016b.) The 2020 ‘European Skills Agenda for Sustainable Competitiveness’ acknowledges that an updated skills agenda is a prerequisite to promoting the European way of life. It should be built along with an Action Plan on integration and inclusion and a new pact on migration and asylum (European Commission, 2020.). Indeed, the 2021 ‘New Pact on Migration’ is part of the broader policies that promote the European Way of Life under the seven-year budget plan (2021-2027). However, as will be shown later the role envisaged for migrants is that of a second-rate worker who, on the one hand, his/her labour rights may be flexible and, on the other, their flexibility can increase competition between workers to discipline them.

It should be stressed that the legal framework on labour migration sets as a priority the safeguard of work for domestic labour for all levels of jobs. Since 1994 the “Community preference” principle has been incorporated in the domain of migration from the domains of trade and agricultural policy. According to the Council (1996), “Member States will consider requests for admission to their territories for employment only where vacancies in a Member State cannot be filled by national and EU labourer or by non-EU workers who lawfully resident in the Member States”. In the Parliament debates on the admission of highly skilled

TCNs, often numerical quotas and admission tests are proposed to restrict intra-European mobility for high-skilled foreign labour (Robin-Olivier 2016, p. 14). Despite a progressive legal framework facilitating migrant entry into Europe, restrictions persist, countering efforts to meet EU labour market needs and address citizens' concerns about increased migration flows.

2.4 The Single Permit Directive

Admission of TCNs is a key element of the EU labour migration policy. Even though the discussion about admission started as early as the 2000s, in European institutions, the document that regulates this process, the Single Permit Directive, was adopted in 2011 (European Parliament and the Council of the European Union, 2011a.) This is not strange as labour migration issues, even though deemed as important on paper, were practically addressed in comprehensive strategic planning after the 2008 crisis during the Stockholm Programme. Western states have responded to the 2008 crisis by pursuing growth without creating new jobs, and the surplus labour army of immigrants would be a valuable contribution to this effort.

In 2010, the European Parliament acknowledged that "the Single Permit Directive provides a partial response to the labour crisis looming on the European horizon" (European Parliament, 2011.) The Single Permit Directive sets a single application procedure for a single permit to reside and work in the EU and a common set of rights for third-country workers (European Parliament and Council, 2011.) It establishes the 'one-stop-shop' mechanism at a national level where the application takes place in a specific public service, without prejudice to the visa procedure, establishing a unique permit for work and residence. Its added value is simplifying the application procedure as it reduces steps and competent authorities. This is a tectonic change as the biggest problems faced by migrants, including Greece, stem from the complexity of the residence permit granting system.

The long process of adopting this legal framework reveals the conflict between intergovernmentalism and supranationalism. In the early 2000s, the European Commission aimed at a general directive on admission for all different categories of migrants. This proposal was received with cautiousness by the states as access to labour market is considered a sovereign issue. A shore point was the general scope of the directive, as the Commission's proposal adopted a horizontal approach for admission that included all TCNs. Instead, states pointed out that efficient management of flows would be feasible via a category-by-category approach, but in essence, they feared passing such an important issue to the jurisdiction of the EU.

The European Parliament called upon the Commission to explain how circularity is linked to this proposal's integration. Up until the Tampere summit, the migration policy was formulated in the light of circularity, that is, immigrants were perceived as a source of labour that, after contributing to the European market, would return to their homeland. However, since the Tampere summit, there has been a turn in favour of integration into European Society, a point of concern for the Member States in the Council under the pressure of their population that fears the massive flows of migrants. In an EP debate, the following concern was expressed: "Supposedly circular migration may very rapidly become permanent and thus fail to meet the intended objective". This trade-off between circularity and integration is still

a matter of concern for the European institutions; however, as it will be shown later, long-term residence and family reunification is also facilitated (European Parliament, 2007.)

Thus, the European Parliament discussed this proposal extensively and took a neutral to positive stance, acknowledging that this directive would make economic migration easier to predict. However, the Council limited the procedure to a first reading of the text deciding to withdraw it in 2006 and postponing it for a second phase of discussion in the coming years. It is important to highlight that all states in the Council took a similar stance.

After the European Parliament and the European Economic and Social Committee insisted on posing the shore points of the previous proposal, the Commission changed its strategy to salami-tactics and proposed a “category-by-category” approach instead of horizontally covering all TCNs.

It is worth noting that in 2005, the Research Directive was adopted, which marked a turning point in EU migration law as it allowed research institutes, instead of the competent governmental departments, to decide if they would admit researchers from third countries. The 2005 Hague Program called for the Commission to present a plan to facilitate legal migration, including the admission procedure (European Commission, 2005.) The Commission's Action Plan in 2005 proposed, by EC initiative, a series of category-by-category directives were adopted on the admission of certain categories of TCNs like the Blue Card Directive, the Directive on admission for seasonal employment and the Directive on intra-corporate transferees, allowing for harmonization of EU migration law (Groenendijk, 2015, p. 548-550.)

The Single Permit Directive was difficult to adopt before the Lisbon Treaty as legal migration issues were subject to unanimity in the Council and consultation of the European Parliament. In 2009, after the Lisbon Treaty was enacted, the Council could act by Qualified Majority Voting (QMV)² on migration and asylum. In addition, the European Parliament, and the Council, jointly and on an equal footing, co-decide on most areas of Union action (European Parliament n.d.) Being a step closer to supranationalism, this progress has facilitated the adoption of common migration rules at the European level and has encouraged the adoption of the Single Permit Directive. In October 2007, the Commission presented its proposals for a general framework directive (single permit directive) and a directive for highly qualified workers. The final version of the Blue Card directive was adopted in 2009 and two years later, the single permit directive was adopted (Council Presidency-Poland.) The French Presidency in 2008 pushed for developments in the adoption of EU migration law to promote the cooperation of European states on relevant issues, as every year, France witnesses the admission of a significant number of immigrants. In the EP the Progressive Alliance of Socialists and Democrats (S&D) and the Alliance of Liberals and Democrats for Europe (ALDE) pushed for the promotion of the Directive.

During the tripartite debates, the Council expressed its concerns about what the provisions of equal treatment envisage. It amended the Commission's proposal with provisions that

² Qualified Majority Voting is a crucial EU decision-making mechanism, replacing unanimity-based processes. It ensures effective and representative governance by allowing proposals to be adopted if they meet required thresholds (65% of the population and 55% of member states), and blocking decisions requires at least four member states (more than 35% of the EU population) to oppose the proposal.

envison limitations to equal treatment, which the European Parliament later adopted. These are restrictions to the right to education and vocational training, social security, tax benefits, and the portability of pensions (Council of the European Union n.d., p. 8-9). These restrictions, among others, were justified by Member States to avoid additional budgetary costs. Germany, the Netherlands, and France strongly supported the limitation of equal treatment, considering the growing public disdain for the increasing number of immigrants. Germany opposed the portability of pension rights asking to be limited to 70% of the pension rights, something which was not accepted. In one of the Council's positions on the Directive, it is acknowledged that "the Union law does not limit the power of the Member States to organise their social security schemes. In the absence of harmonisation at the Union level, each Member State must lay down "the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted." (Council of the European Union, 2011a).

Both the Council and the Parliament underlined that good taxpayers would be discouraged from social security equality as they could view immigrants' contribution as "impermanent" (Beduschi 2015, p. 210-238.) Additionally, resistance to family benefits 'stems from the fact that Member States see them as having a long-term demographic impact, which goes against the idea of circularity that pervaded Europe's immigration policy until then. The right-wing MEPs often mentioned that the real costs of migration were already a burden to European societies (European Parliament 2008a, 2008b, 2011.) Primarily, the right-wing MEPs were positioning themselves as the guards of the plethora of EU citizens in a dire economic situation, worrying that they would face competition from foreign workers in the labour market, which would intensify the phenomena of social dumping.

The Directive applies to TCNs seeking to reside in the territory of a Member State for work and to nationals who have been admitted for purposes other than work but have obtained the right to work. It does not apply to posted workers, intra-corporate transferees, seasonal workers authorised to work for a period not exceeding 6 months, TCNs who have been admitted for studies, who are authorised to reside in a Member State based on temporary protection or are waiting for a decision on their status, to TCNs who are self-employed, and seafarers (European Parliament, 2011). European migration law envisions a multi-layered labour market, admitting migrant workers based on their skills and granting them different rights. This is but a selective approach that stratifies the labour force and creates multiple-tier workers according to their "value" in the labour market. The European legal framework permits both peripheral and core Member States to exploit migrants according to their own economic and political needs.

Article 12 of the Single Permit Directive refers to the eight areas of equal treatment between third-country workers and EU nationals. Concerning four of these areas, the Member States can restrict the right of equal treatment (education, social security, tax advantages and access to goods and services), while for the rest (trade union rights, labour conditions, recognition of qualifications, and advice to employees) the Directive follows the Commission's proposal.

For, example MSs can exclude students, pupils and unremunerated trainees and volunteers from grants and loans for education and vocational training (Beduschi, 2015, p. 210-238.) States can establish prerequisites for admission to universities, like the payment of tuition fees and language proficiency and can restrict students from access to tax and family benefits

(Council of the European Union, 2011b.) The rationale is that the benefits should be granted to third-country workers whose residence is in the Member State concerned. They can also be claimed by family members from TCNs who are working in the Union, provided the registered or usual place of residence of the family members is in the Member State concerned (European Commission, 2019.)

Restrictions on equal treatment also refer to access to goods and services. According to the 2011 Council amendments, these goods are only granted to TCNs who are employed (Council of the European Union, 2011b). In this context, housing restrictions may also be imposed based on the principle of proportionality which foresees that the content of restrictions cannot exceed what is necessary to achieve the objective of the Directive.

2.5 The intra-EU mobility

The 'Europe 2020 Strategy' emphasizes labour mobility to address labour shortages, as cross-border mobility in the EU is limited (European Commission, 2010.) The 'European Skills Agenda for Sustainable Development 2020' connects the need to address skills shortages and upskilling with the free movement of migrants in the labour market (European Commission, 2020).

In 2011, the Single Permit Directive allowed foreigners with valid travel documents and a single permit free access to the entire territory of the Member State issuing the permit. Additionally, according to the Schengen Code, TCNs holding a valid residence permit, or a valid long-stay visa may also enter the Schengen area for a duration of no more than 90 days in any 180 days without this constituting a right to work as additional authorization would be required. However, this progress met some resistance from the Member States. For example, many times in several parliamentary debates, it has been underlined that freedom of movement and mobility for EU citizens should not be confused with mobility for migrants (European Parliament, 2014a.)

It appears that highly skilled labour moves more than other workers. The OECD found that during the 2008 economic crisis, tertiary-educated immigrants moved 2.5 to 4 times more than nationals (European Commission, 2016a.) For this reason, even though progress in this area is limited compared to others related to labour migration, the revised directives concerning the highly qualified workers, the intra-corporate transferees, the researchers, students, volunteers and stagiaires provide for the facilitation of mobility. Characteristically, a distinction between short-term mobility (mobility for a period of up to 180 days in any 360 days) and long-term mobility (for more than 180 days per EU Member State.) This is an upgrade from the previous Schengen Code as it extends the days allowed to stay; it was 90 days in any 180 days before.

2.6 The Blue Card Directive

After the failure to adopt the Single Permit Directive in 2006, the discussion recommenced in 2007, accompanying it with a discussion on adopting the Blue Card Directive. The European Council portrayed this proposal as a response to the EU labour market needs and an accelerator of sustainable development (Council of the European Union, 2007.) However, what is noteworthy is that migration is not yet presented as a potential solution for enhancing

skills, in documents that discuss upskilling and reskilling. This happened a few years after the 2008 financial crisis in documents like the 2011 'Agenda for New Skills and Jobs' or the EP debates on a job-rich recovery and the reindustrialisation of Europe to promote competitiveness and sustainability.

The Council, being aware of the necessity to attract global talent, took a more progressive stance than the Parliament in favour of adopting the EU Blue Card Directive (Council of the European Union, 2009) something which happens rarely. Even though the delegations expressed different opinions on the definition of highly qualified workers and admission criteria, the fact that the Council managed to provide an opinion within one year under the unanimity rule has been credited to the French presidency and has demonstrated the willingness of MS to accelerate the adoption of this scheme (Ibid.)

The European Parliament and the Council had considerably different opinions on the salary threshold. The European Parliament is known for its more progressive stance on the adoption of immigration laws, under the influence of S&D, ALDE and the Greens European Free Alliance (EFA) while in the Council, national MPs have to report to the country's citizens and take a more conservative stance than the other two European institutions. The Council has expressed willingness to accept a lower threshold and more flexible admission for sectors facing labour shortages. The idea was to broaden the scope of the Directive and allow for more foreign workers to be admitted as highly qualified enjoying more favourable conditions of entry and residence. The Committee on Civil Liberties, Justice and Home Affairs has proposed the gross monthly wage not be inferior to at least 1.7 times the gross monthly or annual average salary in the Member State concerned. The level of pay that was accepted by both the EP and the Council in the end was 1.5 times the gross monthly or annual average salary in the Member State.

Without much resistance from the Council, the duration of the Blue Card was raised to 3 years rather than 2. The right to move to another Member State for work was recognized for TCNs after 36 months of legal residence in a Member State (European Parliament, 2008a) and the Parliament also recommended safeguards against brain drain in sectors subject to shortages in third countries. Finally, the Council accepted that MSs should be allowed to set quotas on Blue Card holders or to ban them altogether if they find it necessary for national reasons.

In November 2008, the European Parliament adopted the Directive, and on the 25th of May 2009, the Council adopted it. In November 2008, the Presidency of the Council of the European Union was held by France.

A few years after the Directive's adoption, most Member States transposed it into their national legislation, and by 2014, all Member States could issue Blue Cards. The EU Blue Card Directive was among the few directives that were transposed that quickly into national legislation, even though many states already had more favourable schemes for highly qualified workers. Germany took advantage of the Directive to abolish a permanent residence permit for highly qualified foreign workers, which was ineffective due to the high salary threshold required. However, this version of the EU Blue Card bore many weaknesses that limited its attractiveness to foreign talent. Some of the weaknesses were austere admission rules, high salary thresholds (compared to national thresholds), disconnection/detachment from permanent residence permits, and restricted intra-EU mobility.

For this reason, in 2014, Commission President Jean-Claude Juncker announced that the EU Blue Card Directive would be revised to make it more attractive. In 2016, the Parliament, in its Resolution on the situation in the Mediterranean, called for the revision of the EU Blue Card and highlighted the need to consider the refugees' needs. In fact, in 2015, the Commission clearly stated that it treated the high volume of refugees admitted to the EU during the refugee crisis as a labour pool. It is also worried that this large number of incomers is not large enough to address medium and long-term demographic trends (European Commission, 2016b). This is striking, considering people's rising anti-immigrant sentiment, which demonstrates the distance between the objectives of the EU institutions and people. It is also striking because, as already mentioned, EU institutions insisted on migration circularity ten years ago and avoided portraying migration as a permanent solution to demographic challenges and labour shortages.

When the discussions on the EU Blue Card Directive revision commenced in 2016, the key points that were raised in the Commission's Action Plan (based on the 2016 Commission Expert Group on Economic Migration report) revolved around the inclusion of asylum seekers and beneficiaries of international protection, the need to accelerate admission through a unified system of recognition of qualifications and the need to involve employers in a simplified process that would avoid market tests and the issuing of new permits. In the 2015 public consultation on migration, employers' representatives claimed that market tests have questionable effectiveness (European Commission, 2016a.)

The negotiations with the Parliament started on 26 July 2017. The amendments proposed by the Council focused on the salary thresholds and the recognition of qualifications. Once again, the Council did not want to accept the mandatory recognition of skills and qualifications or link two years of professional experience to qualification recognition. Even though the reformed directive should simplify and facilitate the admission of highly qualified workers; it is difficult to metamorphose the whole educational system in a state to address labour shortages.

The pandemic slowed down the process. The 2020 'New Pact on Migration and Asylum' stresses the importance of completing the unfinished work on the directive, and the triilogue commenced on 11 February 2021 under the Portuguese Presidency. The Parliament and the EU Council agreed on in May and the final act was signed on 20 October 2021.

The compromise was reached based on the following improvements:

The proposal has extended its scope to include the beneficiaries of international protection and non-EU family members of EU citizens.

In the new EU Blue Card version, the salary threshold is lowered from a minimum of 1.5 times the average gross annual salary to 1.2 times (the Council's request.) For shortage occupation lists, the workers should earn the average or at least 80 per cent of the salary for highly qualified workers in the EU MS. Shortage occupation lists usually lower the salary below the average, something which is evident in the provisions that refer to earning at least 80 per cent of the average salary in the sector. Setting the salary threshold at 1.2 times the gross annual salary would make the Blue Card around 40% more inclusive in Member States (average 47%) (European Parliament, 2024. A flexible group of workers is established, allowing workers to be paid less than nationals, despite the principle of equal treatment in the

labour market, thus serving the objectives of the Flexicurity strategy. The salary threshold for non-shortage occupations should be at least 1.0 times but not more than 1.6 times the average gross annual salary. An employment contract is still required for the Card, which should have a minimum of six months duration compared to the 12 months job offer in the previous version of the directive. From 2008 to 2013 the job offers in most MS were by 40 to 45 percent, more than a year. After 2014 this has risen to 70 percent.

The directive sets the remuneration of Blue Card holders not less than the salary granted to nationals for similar positions. Like, in the other Directives, regarding the 'Equal Pay for Equal Work' principle, the Directive, instead of referring to 'salary', refers to 'remuneration', meaning the workers can be granted allowances and benefits like the ones offered to nationals for similar positions instead of equal salaries. The MSs have discretion in monitoring the job, often assuming that the minimum wage is enough payment. Article 157 of the Treaty on the Functioning of the European Union establishes the principle of equal pay, and it refers to all foreign workers.

The EU Blue Card allows family members to access the labour market upon issue, allowing the Member States to conduct labour tests on them.

In shortage occupations, applicants can demonstrate 3 years of relevant professional experience as an alternative to educational qualifications compared to 5 years in the previous version of the directive. A list of these occupations is included in the directive, which comprises mainly positions of managers and professionals in sectors such as information and communication technology (ICT)(Council of the European Union, 2016.) If the worker intends to apply for an EU Blue Card in a second Member State, their professional qualifications should be recognised in the same way as in the first MS. Evident is the shift in terminology, from highly qualified employment to highly skilled employment, something which means that all states should accept professional qualifications as equivalent to higher education qualifications (not included in the previous version). It is noteworthy that even though nearly all states opposed the relevant provisions in the first reading of the proposals, the need to facilitate the admission of highly qualified migrants has curbed all concerns.

The scope of the Directive has expanded to include self-employment activities. Article 19 is a new article allowing Blue Card holders to move to another MS to carry out business without the second MS having the right to ask for a new work permit. The MSs in the Council have not expressed concerns about the mobility of highly qualified workers. After 12 months (previously 18 months), the workers will have the right to work at another MS following a simplified procedure. In addition, mobility is further facilitated as the workers can travel to other MS without a visa for 90 days in any 180 days for business purposes in the EU. TCNs can change employers after one year of work, instead of two, at the speciality indicated on their permit.

The new version of the EU Blue Card Directive includes more flexible admission conditions and mobility rights, broader labour rights, and simpler and sometimes fast-track procedures than other categories of foreign workers. (see table 2.1 below.) A shore point is that not much progress has been made concerning the right to long-term residence (33 months for EU Blue Card holders), which is however half the time required for other categories of migrants. Several MS, like Germany, offer faster access to long-term status (21 months for Germany.)

The proposed EU scheme aims to eliminate national schemes for EU Blue Card-eligible groups, but this is not a unified system, as the Blue Card is not recognized by all member states.

2.7 The admission of students and researchers

The 2021 'New Pact on Migration and Asylum' aims to address demographic challenges in the labour market by revising the EU Blue Card Directive and implementing the Directive on Students and Researchers. The legal framework treats students and researchers as a separate pool of talent.

Considering the 2015 refugee crisis, the 'European Agenda on Migration' called for finding new venues for legal migration. Under this scope, the 2004 Directive on the admission of TCNs for studies, pupil exchange, remunerated training, or voluntary service and the 2005 Directive on researchers were conglomerated in the 2016 Students and Researchers Directive (European Parliament and Council of the European Union, 2016b.) "The Directive should advance the Union in the global talent competition and, in so doing, lead to an increase in the Union's overall competitiveness and growth rates while creating jobs that make a greater contribution to GDP growth" (European Parliament, 2014a.) The EU Presidency was held by the Netherlands, which has always been more open than other states in the Council to recognise more rights for immigrants.

The importance of the new Directive led the tripartite negotiations to be completed within only two years. Indeed, the Council adopted its position at first reading. Ireland transposed this Directive, making it the only Directive to which Ireland decided to adhere to. It is noteworthy that the Council, like in the case of the EU Blue Card, agreed that states can provide for more favourable provisions if they want to. States can provide for authorizations and admissions of longer duration, and applications can be examined for TCNs already residing legally in the Member State, something which was not allowed before.

The Council cautiously examined provisions affecting the social system's economic burden and amended the Commission's proposal on student and researcher admission. Member states expressed concerns over criteria for admitting students and researchers, including financial requirements, health insurance, and application procedures, to prevent system abuse. The Council clarifies that the states are the ones to assess the 'monthly sufficient resources' for living for TCNs. Some states were concerned about the administrative burden and the potential for irregular migration or overstaying if the rules were too lenient.

The new directive deals with key weaknesses of the previous directives, like admission procedures and equal treatment with nationals, to address the previous concerns of the states. Indicative is the fact that the previous scheme did not provide for foreign students and researchers to remain in the EU after graduation. Now they can stay, at least for 9 months, to search for a job, or set up a business, but this is subject to national rules. Most importantly, it eases mobility as these aliens can travel to a second MS for research purposes by only notifying the state's authorities, without obtaining a new permit. The researcher's directive facilitated family reunification, but there were no provisions to allow family members immediate access to the labour market. Being highly qualified workers, they are subject to the requirements about the salary provided for the Blue Card holders, meaning that the same

exception to the equal treatment to nationals is foreseen, in accord with the Flexicurity strategy that allows for different treatment of workers that belong to vulnerable groups (see Table 2.1 below.)

The facilitation of intra-EU mobility is only provided for researchers and students, not for trainees, pupils, au pairs, and volunteers, and it divides the mobility of researchers into short-term and long-term mobility. Short-term mobility is allowed for a period of up to 180 days in any 360 days, and concerning long-term mobility, an application may be required by the second MS. The updated Directive extends stays and offers a long-stay option, allowing students or researchers to stay longer if the second MS deems it necessary.

2.8 The Directive on Intra-Corporate Transferees

The need for highly qualified managers and business executives has driven the Commission to propose, in parallel to adopting the EU Blue Card 2009 Directive and the 2011 Single Permit Directive, a Directive on intra-corporate transferees. The Parliament typically advocated for uniform admission criteria for intra-corporate transferees, and longer stay durations for transferees, allowing up to three years stay for managers and specialists and one year for trainees. However, MSs preferred shorter stays to minimize impacts on local labour markets. The European Council was cautious about extending benefits to transferees and extended mobility rights (Minderhoud *et al.*, 2018.) Thus, the need for highly skilled labour, especially in the core states, led to compromises and the adoption of the directive in May 2014, which was closer to the Parliament's view.

The Directive of the European Parliament and the Council on the conditions of entry and residence of TCNs in the framework of an intra-corporate transfer regulates the admission of third-country nationals who are transferred from a business outside the EU in the EU (European Parliament and the Council of the European Union, 2014c). The permit is granted for 3 years for managers and specialists and 1 year for trainees. After this period, an employee can apply for the permit again. As for the Blue Card, 3 years of professional qualifications are recognised as educational qualifications (Totos, 2024, p.7). Intra-corporate transferees can move to another state at a company belonging to the same group of companies for a short-term stay or a long-term stay without the need to apply for a new work permit (see Table 2.1 below.)

The 'Flexicurity' logic mandates that employees should be paid at least the national minimum wage, something which could create conditions for social dumping (European Economic and Social Committee, 2010.)³ The Directive sets remuneration for intra-corporate transferees equal to national salaries for similar positions, promoting equal pay for equal work. However, it allows allowances and benefits, with job monitoring by MSs assuming minimum wage sufficiency.

As a practice, the intra-corporate transferees are usually subject to the host country's social security scheme. However, this has been left to the discretion of the Member States (there is

³ The term "social dumping" describes how businesses use lower labor standards and costs in some states to cut production costs. This can be done by moving production to states with lower wages and less strict labor laws, or by hiring workers from these nations under conditions that compromise local labor standards in higher-cost states.

no social security coordination for intra-EU mobility), something which can create conditions of social dumping. Sometimes, MSs conclude bilateral social security agreements with TCN countries of origin, allowing the employee to remain under the social security scheme of the home country. Usually, the second MS will decide which rules apply to social security for long-term stays. In the absence of an EU social security scheme, the directives include provisions that recognize equal treatment in social security with national workers without setting rules on how this will be achieved.

Worth mentioning is that the definition of a ‘specialist’ is broader than that of the GATS agreement since following the German proposal it considers not only the knowledge on a subject but also the technical knowledge that a person may have. This allows for any specialist worker to be a candidate for transfer (European Parliament, 2016).

Family reunification is allowed for intra-corporate transferees, and member states facilitate access to the local labour market, as in the case of Blue Card holders.

2.9 The Directive for Seasonal Workers

The “Policy Plan on Legal Migration” presents a roadmap for finding new venues for legal migration. It took five years for the directive on the conditions of entry and residence of third-country nationals for seasonal employment to be proposed by the Commission after the Directives on the entry of students, trainees, volunteers, researchers, and highly qualified workers had been adopted. Even then, the proposal was subject to long and difficult negotiations in the Council and the European Parliament, especially during an economic crisis. The EU directive on the admission of seasonal workers was adopted in 2014 (European Parliament and Council of the European Union, 2014c), under the Belgium presidency and when the European People's Party (EPP) (centre-right) held the majority of seats in the EP. It sets out the conditions of entry and residence for third-country nationals employed in seasonal work within the territory of EU member states. Stakeholders, particularly labour unions and migrant rights organizations have critiqued the Directive for not sufficiently consulting with stakeholders during its development process (GFM, 2007, INE GSEE 2017).

During the tripartite negotiations, the Parliament required amendments that safeguard labour rights while the Council expressed numerous reservations. Many ministers emphasized that MS should be able to decide how many TCNs can be admitted in their countries. More flexibility regarding the suggested length of stay or the deadlines for making application decisions was also required from MSs. The Parliament supported extended seasonal worker stays for up to nine months within 12 months to ensure greater stability for both workers and employers, but most of the states applied a six-month duration of stay. The subject of whether foreigners should have equal rights to nationals, particularly concerning social security and benefits, was also brought to light. Other delegates questioned the proposal's compliance with the subsidiarity (Council of the European Union, 2011b.) The Parliament aims to provide clear pathways for seasonal workers' return and readmission to facilitate re-entry, but Member states focus on preventing overstaying permits and implementing effective return measures (European Parliament and Council of the European Union, 2011a.)

This directive aims to regulate the temporary employment of non-EU workers in certain sectors that demand seasonal labour, such as agriculture and tourism. In essence, the Directive regulates the entry and residence of low-skilled or unskilled migrants (European Commission, 2014b.) Seasonal workers are permitted to stay and work in Member States for a maximum of nine months each calendar year. If a seasonal worker in one Member State would like to take up seasonal work in another MS, the worker must apply for a new permit. Under the same logic, the mobility of seasonal workers is limited for fear of overstaying, meaning that neither short-term nor long-term mobility is allowed for them, while member States may impose extra safety measures for these workers.

During their stay, the freedom of seasonal workers to change employers is limited and is left to the state's discretion. The need for a written contract to be signed to obtain the directive deepens the employees' dependence on the employers. Proof of accommodation is one of the requirements for admission exceeding 90 days, meaning that in most cases, seasonal workers are most likely dependent on the employer for accommodation. Even if the directive provides for minimum standards of accommodation to be arranged and provided by the employer, not allowing 'excessive rent' or relevant behaviour, these conditions, and the state controls mechanisms to monitor these conditions are left to the State's discretion. The reliance on employer sponsorship ties workers to specific employers, making it nearly impossible to change employers, leaving seasonal workers vulnerable to exploitation.

The MSs opposed granting benefits to seasonal workers as immigrants (both low and highly qualified) recently admitted to the EU have not yet contributed to the social system to receive the analogous benefits (Totos, 2018). Particularly, MSs have expressed reservations on issues regarding family benefits and unemployment benefits.

The directive provides that seasonal workers are entitled to equal treatment with nationals. This, along with the amendments about safe conditions of employment and the right to strike, can be regarded as an accomplishment of the European Parliament, which took years of negotiations with the Council to be accepted.

However, the directive allows for exceptions from the principle of equal treatment regarding social security benefits, such as sickness benefits, maternity benefits, benefits in respect of accidents at work, unemployment benefits, and family benefits (see Table 2.1.) The directive stipulates that seasonal workers must receive time off and a minimum daily rest period. It is acknowledged that suitable protection needs to be provided in exceptional circumstances usually connected to humanitarian reasons. However, the term "appropriate protection" has not been analysed.

The directive does not provide for family reunification. Moreover, seasonal workers are excluded from the scope of the Long-Term Residence Directives, and the seasonal workers' permit does not count for the years required for citizenship. However, this is without prejudice to the fact that the national legal framework may be more permissive and favourable, meaning that states can allow for all the above if they deem it necessary.

It is argued that it is also in the interest of low-skilled migrants that the rights granted to them stay at a minimum. The alternative could come at a price, as more restrictive admission policies would be put in place that would exclude many prospective workers. Advocates of

this view put forward that these minimum rights guarantee entry for more unskilled and low-skilled workers from third countries (Ruhs, 2013, p. 190-191.)

Employers who hire seasonal workers must provide certain guarantees, such as offering a contract specifying the terms and conditions of employment, including remuneration and accommodation arrangements. Member states are required to establish effective, proportionate, and dissuasive sanctions for employers who fail to comply with the provisions of the directive, and they are required to establish mechanisms for seasonal workers' complaints such as public services or labour unions that can act on behalf of seasonal workers. However, a lack of effective enforcement mechanisms, makes it difficult to ensure that employers comply with these obligations.

In reality, seasonal workers are among the most vulnerable categories of labour. The directive offers insufficient protection for seasonal workers, leaving them susceptible to exploitation regarding wages, working conditions, and health and safety standards. The Parliament demonstrates that seasonal workers are subject to undeclared work, which is frequently linked to violations or restricted access to social rights and worker health and safety (European Parliament, 2020.) The Directive perpetuates a system of temporary and precarious work arrangements rather than promoting more stable forms of employment, and it limits the employees' ability to assert their rights. As shown in the following table, seasonal workers and posted workers (see below) enjoy fewer rights than the rest in terms of duration of stay, mobility rights, social security, and benefits, as well as the granting of permits that may lead to long-term residence and citizenship.

All the schemes that regulate the admission of skilled workers provide long-term residence permits after continuous residence for a certain number of years, fluctuating from three to five years, depending on the state. Immediate family reunification is provided for Blue Card Holders, researchers, and intra-corporate transferees but not for seasonal workers. This distinction between highly qualified and low-qualified migrants is identified and criticised as family reunification is a fundamental human right. However, some countries grant family reunification rights to seasonal workers.

Although irregular immigration is not the subject of research in this Thesis, some elements of the legal framework concerning irregular migration will be highlighted to emphasise that irregular migrants are the last wheel of the wagon, meaning that they enjoy fewer labour rights than all other workers in the EU.

The political trend in EU and elsewhere is to criminalize any settlement that is deemed "illegal" and therefore the illegal entry and staying in a country. The EU's 'Return Directive' of 2008 defines 'irregular migration' as a third-country national's presence on a Member State's territory without fulfilling the legal requirements for entry, stay, or residence in a country. This definition raises uncertainty and interpretative problems due to the differing national laws. However, it clarifies that 'illegal stay' arises from the interaction between spatial mobility by third-country nationals and the receiving country's legal system, which can change over time, as well as the conditions of entry and staying can change. To be more specific and link this analysis to the analysis about Flexicurity, irregular migrants are not only those that enter the EU territory illegally, but also the migrants that remain longer than is allowed by their residency permit or visa or work in an EU nation without legal authorisation (Schengen Borders Code, 2016.)

The EU legal framework safeguards the labour rights of irregular migrants, ensuring basic rights, fair treatment, and access to justice despite their unauthorized status. The Employer Sanctions Directive (2009) combats illegal employment by requiring employers to pay outstanding wages, pay at least minimum wage or standard industry rates, and allowing irregular migrants to lodge complaints against employers. The Seasonal Workers Directive (2014) prohibits the exploitation of irregular migrants. The Victims' Rights Directive (2012) and the Trafficking in Human Beings Directive (2011) assure access to social services, legal assistance, and justice for undocumented migrants who have been the victims of crimes, such as labour exploitation.

However, the phenomenon is not examined thoroughly, and appropriate safeguards are not provided to implement these provisions of the parsimonious laws. It is challenging for many undocumented migrants to assert their labour rights because they fear deportation. The way these rights are implemented differs from state to state, while no EU mechanism obliges states to enforce these laws through monitoring systems. Most importantly, employers often take advantage of weaknesses since they know that undocumented migrants could be reluctant to report mistreatment. Enforcement is nevertheless lax.

The 2008 and 2024 EU Pacts on Migration and Asylum adopt a restrictive stance on these matters by seeing irregular migration through the prism of illegality. The Pacts weaken protections for undocumented migrants, directing more people through accelerated border controls. The Pacts increase digital surveillance practices and encourage the use of detention at EU borders, including for vulnerable groups, potentially violating individual liberties. The Pact overemphasises on deterrence and facilitate returns rather than enhance protection.

To the extent relevant to this Thesis, irregular immigrants are particularly vulnerable social groups of workers, to whom the EU law guarantees only minimal protection, and do not enjoy benefits, education or any other resources enjoyed by other working groups. As a result, they are those Flexicurity 'outsiders' who are easier to manage and therefore more willing to accept any flexibility in their wages and working conditions.

Table 2.1 Differences in the way that different categories of migrants are treated in EU labour migration legal framework

Categories of Migrants	Duration of first Permits	Mobility	Long-Term Residence	Citizenship	Family Reunification	Social Security, Family Benefits, Unemployment Benefit
Blue Card holders	2 years	Short/Long Term Mobility	Yes (the required years/at the discretion of the MS)	Yes (the required years/at the discretion of the MS)	Yes (family members immediate access to the labour market)	Yes (limitations at the discretion of the MS)
Intra-Corporate Transferees.	2 years	Short/Long Term Mobility	Yes (the required years/at the discretion of the MS)	Yes (the required years/at the disposal of the MS)	Yes	Yes (limitations at the

						<i>discretion of the MS)</i>
Researchers	<i>Corresponds to the Duration of the contract</i>	<i>Short/Long Term Mobility</i>	<i>Yes (the required years/at the discretion of the MS)</i>	<i>Yes (the required years/at the disposal of the MS)</i>	<i>Yes</i>	<i>Yes (limitations at the discretion of the MS)</i>
Students	<i>Corresponds to the Duration of their studies</i>	<i>Short/Long Term Mobility</i>	<i>At the discretion of the MS</i>	<i>No</i>	<i>Conditional/At the discretion of the MS</i>	<i>No</i>
Seasonal Workers	<i>9 Months</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Posted Workers	<i>Up to 3 years</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>
Irregular Workers	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>	<i>No</i>

Table Created by the author

In 2018, a report from the European Commission revealed that only five Member States (The Republic of Cyprus, the Czech Republic, Estonia, Italy, and Luxembourg) had amended their national laws to comply with the Seasonal Workers Directive (European Commission, 2018.) To comply with the directive, Spain and France have hung onto laws that they had previously enacted. Even after several years have passed since the 2005 proposal for the Directive, MSs are still not willing to comply with the regulations of the directive.

2.10 The Posted Workers Directive

The Posted Workers Directive (European Parliament and Council of the European Union, 1997) was adopted in 1996, revised in 2018, and addresses the free movement of posted workers in the EU. Posted workers are temporary employees sent by employers to perform work in another EU member state while maintaining business operations in their home country. The duration of the permit can't exceed 12 months, but the posted worker can re-enter for up to three years. Member States have not set a minimum duration of stay for someone to be considered a posted worker. This Directive was analysed after the seasonal workers directive because, most of the time, posted workers are either medium- or low-qualified workers.

During the trialogue, for the first version of the directive the Parliament advocated for equal pay and working conditions, while the Council supported the term 'fair wages', willing to leave the discretion to the states of whether they would pay them more wages than those of the country of origin. The Parliament proposes a 12-month posting duration, with a possible extension of six months under specific conditions, but the Council preferred a more flexible approach, meaning that the stay should depend on the contract, while the post can reach up to three years. The Parliament proposes holding main contractors liable for any breaches of the Directive by their subcontractors, preventing companies from outsourcing responsibilities and

circumventing labour protections, meeting the denial of the Council. The final compromise includes provisions for contractor liability with more flexibility (Council of the European Union, 1998.)

The Directive has undergone numerous changes due to concerns for "social dumping" since foreign businesses can uphold weaker labour standards than those of the host member state, leading to unfair and unequal working conditions for posted workers. These concerns led to the adoption of a second Posted Worker Directive (European Parliament and European Council, 2014c), under the Presidency of Italy that provides for safeguards like the obligatory presence of a liaison or local representative to the host company that monitors the working conditions and maintains a record of posted employees.

Similarly, in 2018, the third version of the Posted Worker Directive (European Parliament and European Council, 2018b), under the presidency of Bulgaria promoted the principle of equal pay to nationals for posted workers. Bulgaria sends posted workers to other EU states and Greece. However, "equal pay" refers to benefits and allowances that native workers who do a similar job enjoy, such as hospitalization, Christmas bonuses, and other benefits, and does not refer to salary. Instead, the term "minimum wage" has been substituted with the "same level of remuneration" of the host state (to be defined by the host state.) The European People's Party (EPP) (centre-right) held the majority of seats in the EP then and along with the European Conservatives and Reformists (ECR), who are Eurosceptics advocated for the adoption of the amendments required by the Council. Both the Posted Workers and the Seasonal Workers Directives, which lay out the rules for the admission of low-qualified workers were adopted under the EPP majority in the Parliament. Both categories of workers are among the less favoured by the EU legal framework.

In essence, the Member States can regulate working conditions and labour rights, health and safety standards, or the right to reside and work in the host state. Most interestingly, the renewal/withdrawal of a work permit is decided by the sending MS, and even though the permit is for one year, the posted workers can stay for more years, but this permit does not lead to long-term residence. The European Parliament tried to prohibit an employer with seasonal workers from posting them to another Member State without success.

Abusive practices often happen via letterbox companies that intend to circumvent rules. In essence, the intentions of fake agencies seek to exploit more permissive and looser regulations, like lower social security contributions in the state where the worker is recruited compared to the host state. Such practices, especially non-payment of social security contributions, have evolved into a "business model" (European Labour Authority, 2023.) In addition, the country of origin is not included in the recruitment process to safeguard labour rights for TCNs. Third-country nationals are more vulnerable than EU-posted workers to these abusive practices because they depend more on their employers for their work and residence permits (Cukut Krilić, Toplak and Vah Jevšnik, 2020).

In this way, collective agreements in a sector can be circumvented, especially as far as the minimum wage, working conditions, and allowances are concerned. It is difficult to distinguish whether someone is a posted worker, a seasonal worker, or considered to be in multiple employment. For example, often workers in international transport or seasonal workers can be in multiple employments, obscuring social security coverage rules.

Conclusions

Since 2008, EU legislation has increasingly included migration policies, particularly in the Single Market, sustainable competitiveness, and economic growth policies. This highlights the EU's market and work-centric approach to labour migration. The EU can legislate and adopt legally binding acts in areas of exclusive competence, such as the single market and free movement of labour, and through this, regulate worker rights within Member States, including foreign workers' rights, which is not part of its exclusive competence. Similarly, the analysis of the institutional framework for labour migration highlights its connection with 'Flexicurity' and ordoliberalism, as through the emergence of market needs as of primary importance, immigrants are given a second-class role, multiple-tier workers are created who can become a tool of discipline for other workers.

The legal framework on labour migration prioritizes safeguarding domestic labour and has incorporated the "Community preference" principle since 1994. The Council resolution limits the admission of TCNs to Member States for employment only when vacancies cannot be filled by national labour. This highlights that the EU leans more toward demand-driven than supply-driven or hybrid migration policies. In addition, foreigners cannot change employer or speciality whenever they wish, or move as they wish in the EU, but as it emerged, the legal framework foresees many exceptions about equal rights for all categories of migrants and leaves much room for discrimination.

Migrants are not treated equally even with each other. Different rights are recognised regarding admission, length of residence, right to long-term residence status and right to citizenship. The wagon's last wheel is seasonal workers and posted workers treated under the circular migration regime, which makes their stay undesirable after the end of their contract. The difference is evident with highly qualified workers and other relevant categories who are granted more rights of mobility, residence, and access to long-term resident status. However, as has already been shown, the behaviour towards these populations is also discriminatory, since although it is pointed out that they must be paid equally like other workers for similar jobs, in essence, the minimum wage for highly skilled labour is guaranteed.

At the same time, it should be noted that apart from being work-centric, the legal framework for labour migrants is also selective as it reserves a role for immigrants interwoven with their linked migrant status. To obtain the coveted residence permit, the immigrant must prove through the prescribed procedure that he/she is "worthy" of this permit. So, society selects the "worthiest." This applies to all permits; particularly long-term residence permits where more criteria are required. From an ordoliberal perspective, the progress of the individual in society and, therefore, the integration of the immigrant into society is an eminently personal issue. It is not so much primarily a social issue as a private one.

However, the legal framework is not as rigorous as that for economic policies. Many issues are left to the discretion of states, especially those that have to do with the volume of migrants accepted by states. The choice of the directive, instead of resolution, precisely illustrates this desire to leave it to the Member States to decide how to incorporate European law into national law. At the same time, the shift over time of the legal framework from circular migration to the long-term integration of immigrants, at least of highly skilled immigrants, is distinguished. However, the EU constitutionalism, the ordoliberal framework

the EU has built for legal migration issues leaves room for exploitation of this population for profit.

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Chapter 3. The Greek Economy and Migration

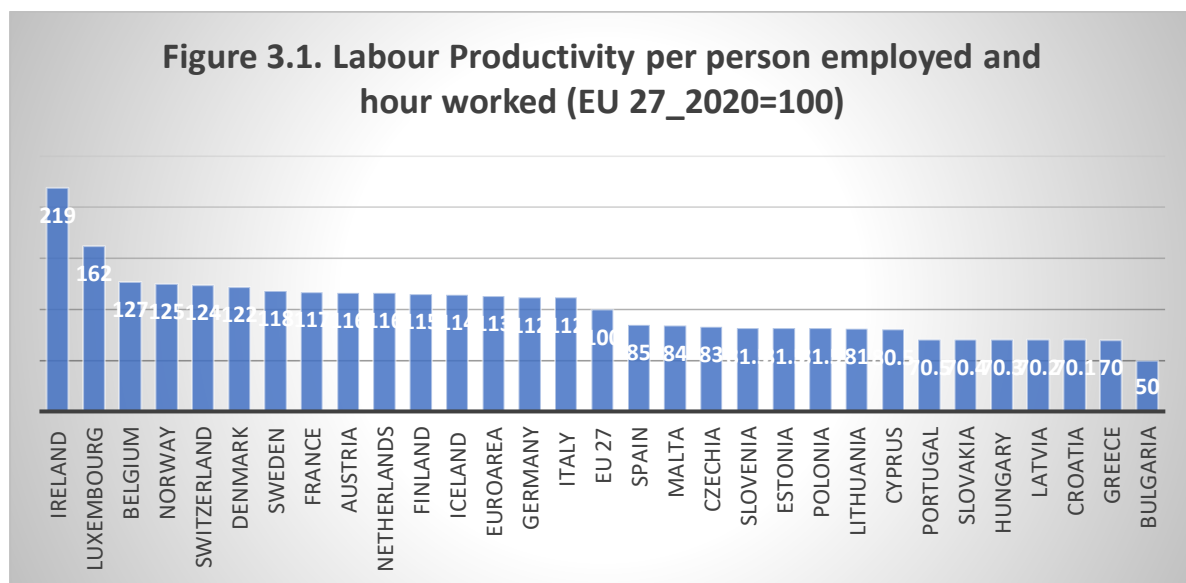
3.1 Core States and Periphery in the EU

The world's economy is projected to increase by an average of 3% annually by 2030. By then Europe will be the third-biggest economy in the world, expected to grow by approximately 1.8%. Germany, the UK, and France make it to the list of the 10 biggest economies in the world (Germany 5th, the UK 6th, and France 9th) (<https://www.imf.org/>, 2023). Growth has

stagnated after the Ukraine war but as early as 2025 the GDP growth is forecast to increase by around 1.5% (European Commission, 2024a.)

In 2016, six Member States generated over 75 % of the EU-27's production (Germany 30 %, Italy 17 %, France 12 %, Spain 9 %, Poland 6 %, and the Netherlands 3%) (Eurostat, n.d.) The Core European States, Austria, Belgium, Denmark, France, Germany, Luxembourg, and Sweden can compete globally in terms of productivity levels (see Figure 3.1), [Hellenic Statistical Authority (ELSTAT), n.d.] while in the periphery, only Italy, had productivity levels slightly higher than the EU 27 average, and Ireland, being a separate case, has been the protagonist in the last decade.⁴ Greece possesses one of the last places on the list, while even though the Eastern European states experience high growth rates, they hold the last places in terms of productivity (European Commission, 2020.)

Figure 3.1. Labour Productivity per person employed and hour worked



Source: Eurostat (2020) Dataset: *tesem160* (Own Elaboration of Data)

France, Germany, and Sweden account for around 33% of the EU offshoring, while their main destination is the 13 states that joined the EU in 2004 and 2007, particularly Eastern Europe which became a smaller powerhouse, a production satellite for the core European states, which except for Slovakia and Hungary, are net beneficiaries of cross-border spillovers (www.eurostat.eu, 2022.) Thus, productivity remains low, and the growth gap with the core states opened after the 2008 financial crisis (see Figure 3.3).

Germany is the MS that benefits more from exports to third countries (in value-added terms). In 2021, exports from the EU, including Germany, were €583.6 billion in export-supported value added in Germany. Germany's level of export-supported value added was higher than France's (€287.2 billion) and Italy's (€227.8 billion) combined. Ireland comes next with 188 billion, the Netherlands with 157.7 billion, Germany, Sweden, Belgium, and Poland with

⁴ It is striking that in 2019 Ireland was the world champion in terms of productivity, being the host country for the world digital gatekeepers. Ireland has nearly doubled its GDP per capita since the early 1990s, even though it has suffered from the 2008 financial crisis. Austria, Sweden, and Denmark, productivity overachievers, are the EU leaders in digital transformation and therefore, in investment in ICTs.

around 86 billion, Denmark with 62 billion, and the MSs following score much less than these numbers; Greece is at 22 billion euros. German exports financed €71.0 billion of value-added in EU Member States other than Germany in 2021, making Germany by far the biggest contributor to export-supported value-added spillover in the EU (Eurostat, 2023.)

The competitiveness of the core states has endured so far because the EU premise is built on the ordoliberal principle of the supremacy of the market and the prioritisation of export-led growth, an anti-inflationary model over a consumption-led growth model. Before the 2008 financial crisis, national diversity was considered a core determinant of economic integration in the EU, providing flexibility to MSs to pursue their growth strategies (Ibid., pp. 146-149). It was considered that under the EU umbrella, “heterogeneous models of capitalism” can co-exist in the EU, achieving levels of integration by undertaking “diverse responses to common challenges” (Johnston & Regan, 2018, p. 145-159; Scharpf and Schmidt, 2000.)

On the contrary, divergence widened after the introduction of the euro and accelerated after the 2008 crisis. The export-led model could adjust and thrive, while others remained trapped in a vicious circle of debt and economic fragility (Hall, 2012; Hall, 2014.) If a desired economic performance has been achieved, integration policies can only deepen the state differences (Curry and Teague, 2017, p. 170; Stockhammer, 2016.)

The export-led model relies on the coordination of wages, inter-firm collaboration, and extensive vocational training, all of which are elements included in Flexicurity (Johnston and Regan, 2018, p. 145-159). Substantially, the emphasis is on exports based on robust and globally competitive firms. Thus, this robustness derives from the coordination with macroeconomic and fiscal policies that protect export-oriented sectors from fluctuating exchange rates and wage increases. If the currency's value increases, nominal wage restraint enhances price competitiveness.

This requires the employees' involvement and consensus. In times of crisis, employees are persuaded that for the firm to endure global competition, they must accept wage restraint in exchange for lay-off protection, vocational training, and promises of co-management (Hopner and Lutter, 2018.) Moreover, in case of resistance, the Central Bank can use as leverage the application of instruments that favor consumption-led growth, meaning dismissals and unemployment in export-oriented sectors (Hall, 2018, p.10.) Hopner and Lutter believe this model can benefit South wage-bargaining institutions because institutional labor-rights protection is well-established (Ibid., p. 91). However, they admit that austerity measures imposed on Greece and other MSs lead in the opposite direction, as they weaken trade and labor unions. This model creates a new type of citizen, an “associate” who must feel “co-responsible” with the employer (Fouskas and Gokay, 2019, p.72), In essence, this dismisses employers from their responsibilities when the economic crisis occurs (Foucault, 2003; Senellart, 2008.)

The South European consumption-oriented model relies on demand growth in non-export sectors such as tourism and construction. Wage increases and credit fuel consumption, while many sectors are sheltered. Wage restriction and credit restraints are self-defeating in this model (Ibid., p. 149-150). Labor increases may lead to inflationary pressure, but they can boost growth through feeding consumption cycles. These states can devalue their currency outside a common currency area and restore competitiveness when crises occur (Hall, 2018, p. 13.)

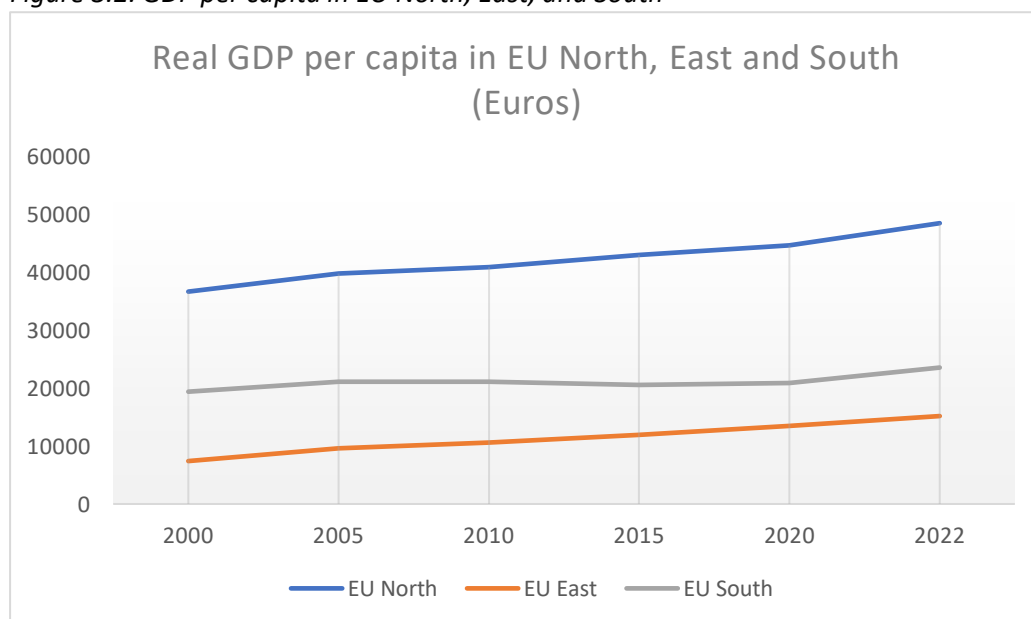
The core states, having abolished their hard-national currencies eventually, gained an advantage (ibid, p. 147) in terms of competitiveness with their Southern counterparts and boosted their exports. Before adopting the euro, the consumption-led growth model could co-exist with the export-led model. After adopting the new currency, the periphery's competitiveness was hit hard, entering a spiral of deindustrialization as imports from the core states, especially from Germany, became cheaper than domestic production. Consumption has accelerated in the periphery due to low credit availability, leading to trade surpluses in the core states and trade deficits in the periphery (Bohle, 2018, p. 197.)

The circulation of these trade surpluses from the core states to the periphery could have helped it sustain satisfying growth levels without excessive borrowing (Hall, 2014, p. 17; Lapavitsas, 2019.) However, these surpluses were circulated as credit, and the periphery became heavily indebted. The EU economic premise favors transferring economic power from the periphery to the core (Fouskas and Gokay, 2019; Lapavitsas, 2019.) A persistent fiscal imbalance in the periphery's public budget is frequently the outcome of the economic articulation of the periphery, which conforms "to the needs of accumulation at the core" (Amin, 1976.)

For the previous reasons, scholars like Flassbeck and Lapavitsas ask Germany to inflate its economy and release southern Europe from this lack of competitiveness (Flassbeck and Lapavitsas, 2015), as well as to issue Eurobonds for debt mutualization. However, the absence of a European political Union to finance the public deficits and the lack of any instruments to inflate the euro weaken this possibility (Fouska, and Gokay, 2019, p. 46.) The 2008 financial crisis showed that the fixation on the ordoliberal ideology not only shatters any possibility for integration but also creates winners and losers in a union where solidarity is still a fundamental principle.

As Figure 3.2 demonstrates, income trends in North, East, and South Europe diverge.

Figure 3.2: GDP per capita in EU North, East, and South



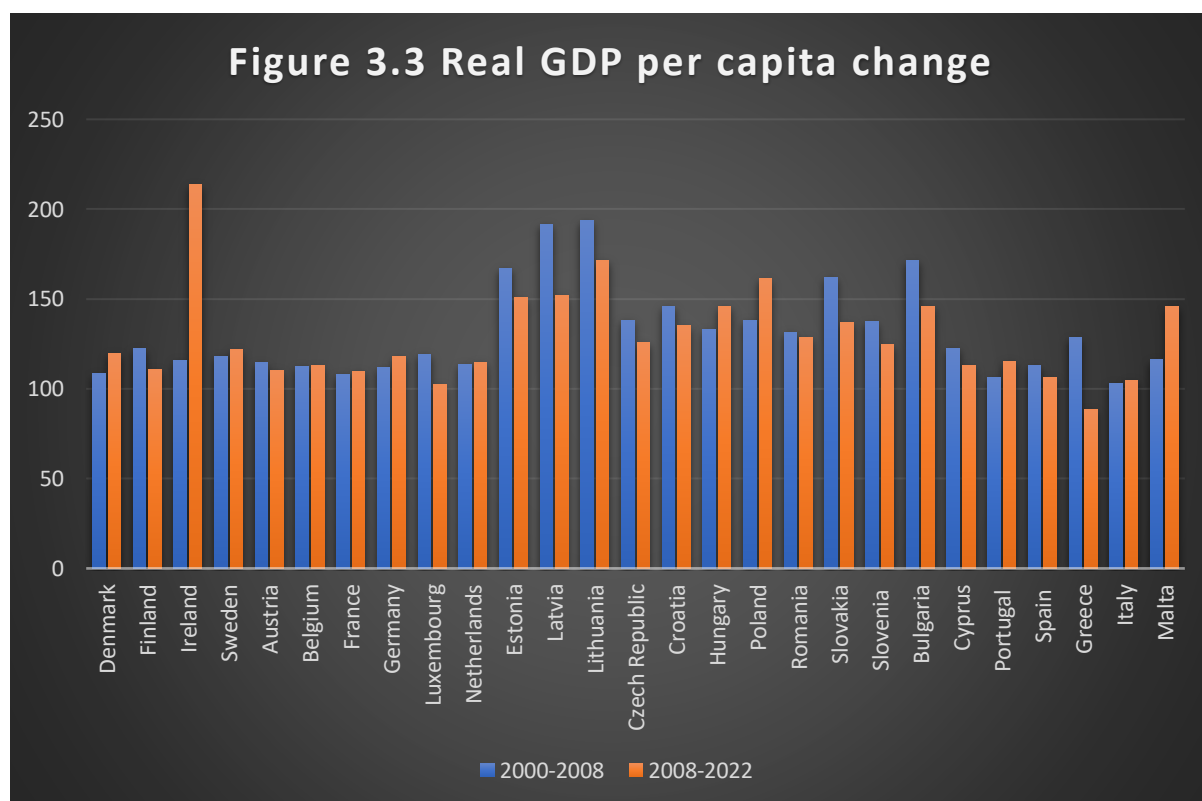
Source: Eurostat (2023) Dataset: NAMA_10_PC (own elaboration of data)

Note: EU North: AT, BE, DE, DK, FI, FR, IE, LU, NL, SE, UK; EU South: CY, ES, GR, IT, MT, PT; EU East: BG, CZ, EE, HR, HU, LT, LV, PL, RO, SI, SK

Growth is not converging between different European regions in the EU. Real GDP per capita growth is lower in the EU East and South countries than in their EU North counterparts. During the Eurozone crisis the gap between the North, Eastern, and Southern countries has opened even further. Even though the Eastern European states experience high growth rates, the gap compared to the Northern MSs has increased considerably. The EU South, troubled by the economic crisis, is falling behind. Notably, the nearly 750 billion EU recovery plan following the pandemic in 2020 has helped all three groups increase their growth rates (Watzka and Watt, 2020.) The recovery plan and the new budget (2021-2027), which accounted more than two trillion euros make up the largest stimulus package ever adopted in the EU, raising fears that this resembled a Keynesian turn, something that would jeopardize the ordoliberal stance of fiscal discipline. However, it is mostly made up of grants and loans to the MSs rather than “helicopter money”, loans that are austere oriented to be invested where the EU institutions suggest (37% of investment in the green transition and 20% in digitalization and others).

The annual GDP per capita increase has been strong for all MSs before 2008. For Northern European States, the average yearly change fluctuated from approximately 1.24% in France to 2.6 in Ireland. For the EU East, from approximately 4% in Poland to 8.35% in Latvia, and for the EU South, from nearly 1% in Portugal to 3.23% in Greece (own elaboration of data). From 2008 to 2022, the average GDP per capita decreases annually, mostly for the periphery states (Figure 3.3).

Figure 3.3. Real GDP per capita change



Source: Eurostat (2023) Dataset: NAMA_10_PC (own elaboration of data)

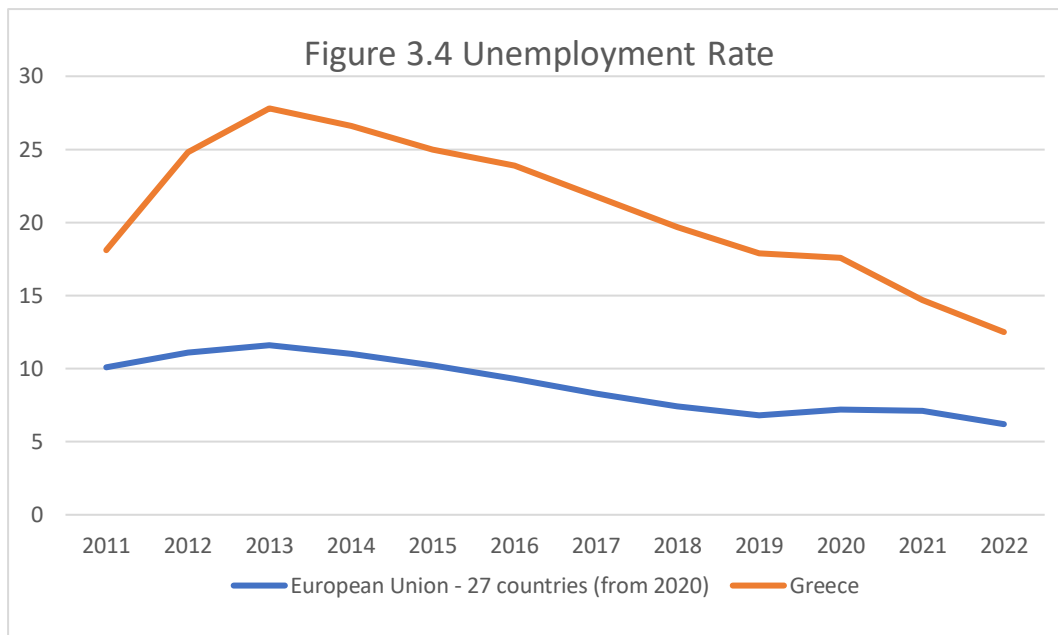
The dualism in growth between the EU core states and the EU periphery is evident from the previous analysis. The Joint Research Centre (JRC) attributes the delay to the core-periphery structure (differences in quality of infrastructure, production patterns, and institutions), which leaves the periphery's productivity levels far behind those of the core states. The bargaining asymmetries in the European institutions are played down, ignoring that the European institutions boost the export-led model. Nevertheless, in such an ordoliberal context, the contribution of cheap labour is crucial.

3.2 The Greek economy in a nutshell

After 2010, Greece entered a period of economic recession that cost it 25.5% of its output. 2014 is the first year that the GDP of the Greek economy grew by 0.8%, which is mainly due to private consumption. In 2020, due to the pandemic, the economy plunged back into recession after the real GDP shrank by 15.1%. Consumption and exports suffered a large decline, while investment decreased the most, remaining a major problem for the Greek economy. In 2020, real GDP grew at 8.4%. However, in 2021, real GDP per capita was around 1% below its 2019 level (18.710 Euros), even though real GDP grew by 5.6% (Eurostat, 2023). Greece had the second lowest GDP per capita in the EU and was the only member state where GDP was below its 2007 level, suggesting a contraction in well-being (General Confederation of Greek Workers (GSEE), 2022.) Despite government measures to support employment and incomes, in 2020, Greece had the second lowest purchasing power in the EU, surpassing only Croatia, with national debt accounting for 237.4% of GDP.

The contribution of public consumption and the contribution of investment to GDP over the period of crisis are negative. The increase in GDP is mainly attributed to the rise in private consumption, which is largely connected to the increase in household disposable income due to the stabilization of employment and the fall in unemployment. In 2013, unemployment had increased immensely to 27.8%, decreasing steadily after 2014 to reach 12.5% in 2022. However, as it will be highlighted later, the established regime is circumventing labour rights, inaugurating a period that can only be described as “medieval” in terms of protection and safety of workers. Greece has the third highest percentage of underemployment in the euro area, lagging Italy and Spain.

Figure 3.4 Unemployment Rate in Greece



source: Eurostat (2023) Dataset: une_rt_a (own elaboration of data)

Labour costs in Greece have fallen significantly. The ordoliberal understanding assumes that internal devaluation makes companies react to this reduction of labour costs by lowering prices, which would lead to increased productivity and competitiveness. On the contrary, in the periphery, competitiveness has fallen for those who were obliged to “bow” to austerity. In 2020, Greece was in the last but one place in terms of productivity. During the crisis, with underinvestment and an ‘exodus’ of highly skilled labour, Greece’s productivity slumped. In 2020, productivity was 18.3% lower than in 2009, while in the Eurozone, it had increased by 7.9% (ELSTAT, 2021.)

The meticulous bailout agreements, especially regarding the measures to reduce labour costs, exhausted their insensitivity to the workers and did not deal as much as they should have with the real pathogens of the Greek economy. Neither harsh austerity nor dramatic spending cuts have succeeded in making the economy attractive to foreign direct investment and have destroyed the consumption on which the Greek growth model was based. Greece remains one of the hardest countries in Europe to start a business (World Bank, n.d.)

Based on the need to repay the creditors, the bailout agreements did not touch the greatest pathogenesis of the intertwined interests between the government and the capital. In the private sector, phenomena such as companies favoured by the government receive procurement contracts, while other companies are left to their fate. It is striking that Greece, which faced a humanitarian crisis in the previous decades, is one of the countries where company profits persist more; Greece, Spain, and the Czech Republic are the countries with the “least competitive economies and the highest persistence of profits” (Eklund and Lappi, 2019.) In 2015, amid the crisis, in Greece, the profit for big corporations reached 46%, in France 41%, and in Germany 39%. This, combined with low productivity is a recipe for stagnation (Ibid, p. 330.) It should be mentioned again that Greece's accession to the euro increased its trade and fiscal deficits and intensified the deindustrialisation process. Relying on sectors with high seasonality, such as tourism and hospitality, it has not managed to

maintain steady growth during the successive crises that have plagued the world in recent decades.

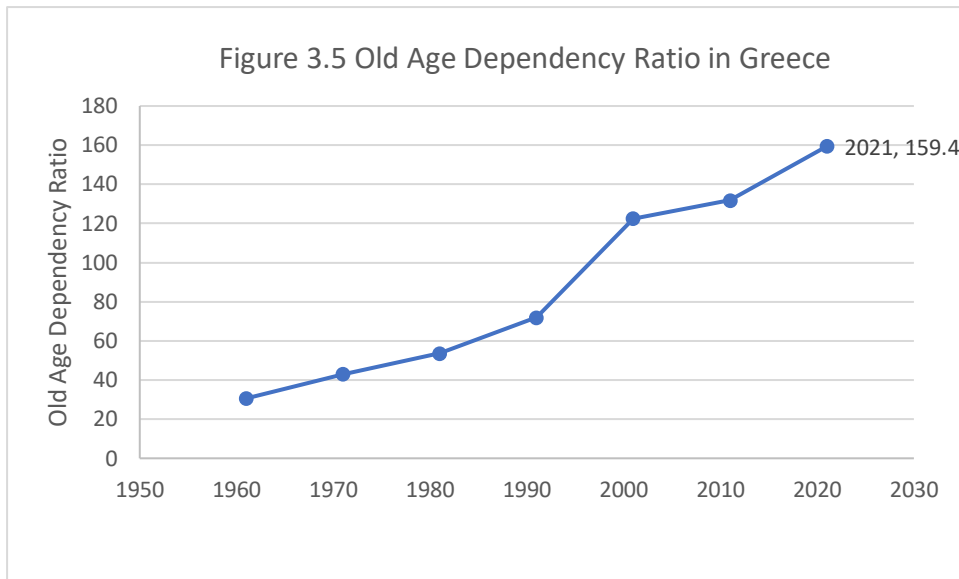
3.3 The Greek labour market

In 2010, the labour force in Greece was approximately 5.076.000, which declined to 4.575,000 in 2021. 2022 is the first year that the numbers have increased considerably to 4.639.000. According to Cedefop, employment in Greece is expected to rise faster than the EU-27 average from 2018 to 2030. It is predicted to grow by 3% from 2022 to 2026 and 2.7% from 2026 to 2030 (Cedefop, 2020.)

However, overall, the labor force will decrease by 6% in the period 2000-2030 because the age groups 35-39 and 40-44 will age and will not be substituted by younger workers. The demographic trends are intensified by the 'exodus' of many young people who migrated to other EU member states because of the financial crisis (European Centre for the Development of Vocational Training (Cedefop), 2020). Age groups 55-59 or 60-64 are expected to have stronger participation in the labor force, increasing their participation by as much as 30% (Cedefop, 2020, p. 3), not only because the population in Greece ages but also due to harsh pension reforms that extended the age limits. Women and young people have low participation rates due to high unemployment rates, which are double the EU average.

The Greek population has increased significantly in the post-war era, reaching 10.482.487 million in the 2021 census and 7.6 million in the 1951 census. However, the demographic trends are under immense pressure due to the rapid age of the population. In 2023, the median age was 45.5 years; it was 42 years in 2011 and only 30 years in 1951 (ibid). In 2021, the old age dependency ratio (population aged 65 and over divided by population aged 0-14) was 159 (see Figure 3.5). In the 1990s, Greek society entered a phase of prosperity, and the change of values, which prioritized individuality, led to an increase in the old dependency ratio by more than 50 pp, only within 10 years from the early 1990s to the early 2000s. Employees evaluate their economic and professional lives differently after the pandemic in Greece and other European countries as they seem motivated to leave a job that does not meet their requirements.

Figure 3.5 Old Age Dependency Ratio



Source: Eurostat (2021) Dataset: demo_pjanind (own elaboration of data)

The old-age dependency ratio will reach over 60% in 2050 and is expected to stabilize at 63%. A key factor is a strong decline in the economically active population, from 6.8 million in 2010 to 6.2 million in 2020, 4.7 in 2050, and around 4 in 2100 (Foundation for Economic & Industrial Research (IOBE, 2022.))

Until the end of the 1980s, the population growth was mainly due to the positive balance of the death-to-birth ratio, particularly in the first decade of the post-war period. For the following two decades, the population growth was driven both by the positive natural change and the migration balance (inward to outward migration) (University of Thessaly, n.d., p. 11-12). From 1990 to 2010, the number of foreigners almost quadrupled, leading to a considerable increase in the total population (+1.2 million) (Ibid., p. 12). Between 1991 to 2001, the contribution of migration and natural growth to population growth is respectively, 97% versus 3% (Kotzamanis and Karkouli, 2016.)

In 2012 after the economic crisis, migration outflows were 124.7 thousand vs 58.2 thousand inflows. The refugee crisis significantly increased migratory inflows in 2016-2019. Migration inflows almost doubled, from 64.4 thousand in 2015 to 116.9 thousand in 2016. In 2019, inflows exceeded 129 thousand, and the migration balance returned to a positive level (10.3 thousand in 2016 and 34.4 thousand in 2019.) From 2008 to 2019, the migration balance was negative, resulting in a decrease in population by 143 thousand people.

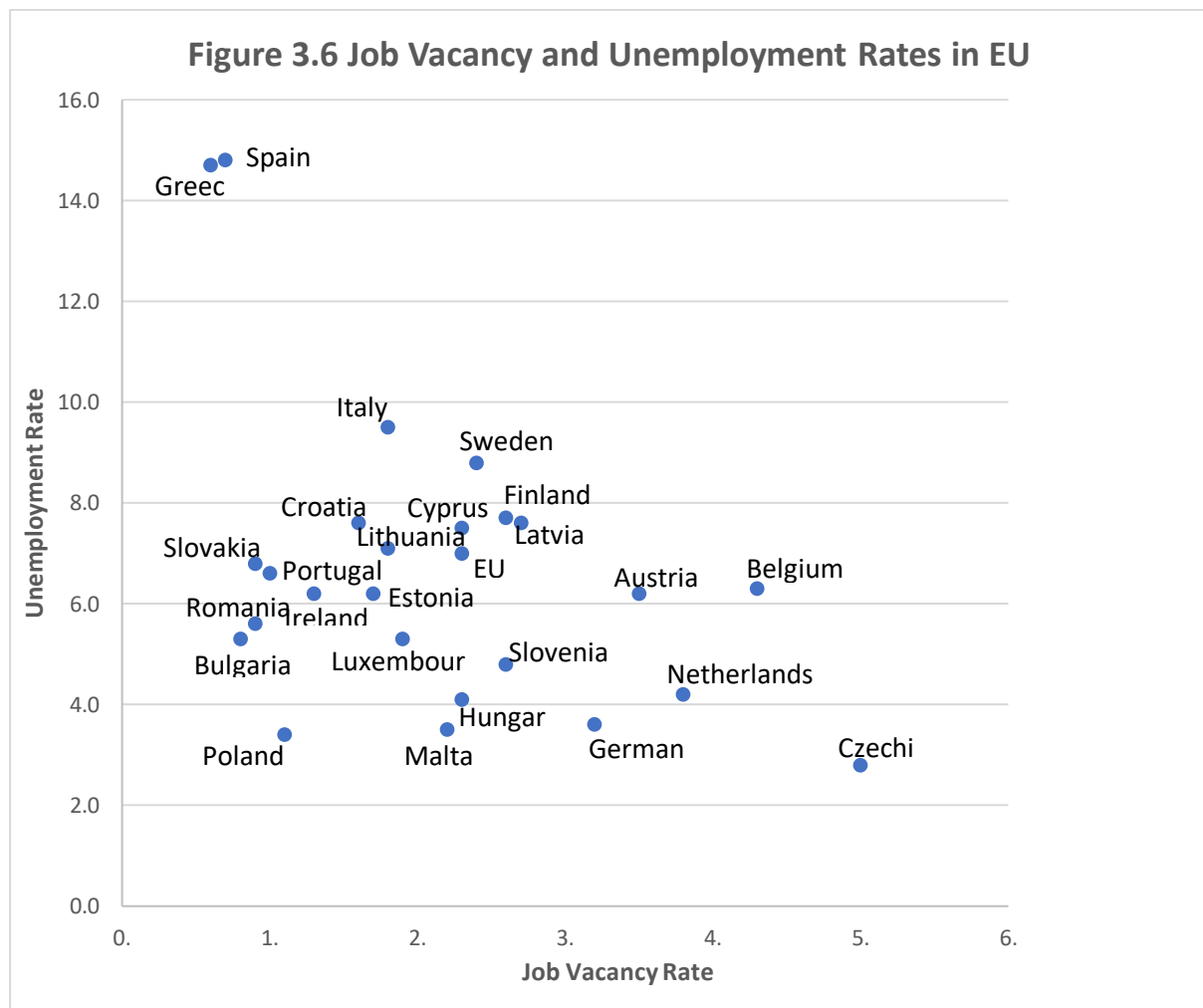
The death-to-birth ratio is expected to increase in Greece from 1.56 in 2020 to 2.09 in 2060 before declining to 1.49 by 2100, like the EU average. Under the assumption of limited migration, the increasingly negative natural balance, which will remain negative until 2100, points to a continued population decline (Foundation for Economic and Industrial Research, 2022.) By 2050, women will have 1,66 children (pessimistic scenario) or 1,9 children (optimistic scenario) (Laboratory of Demographic and Social Analyses (EDKA), n.d.) In the 1950s, each woman had three children, on average. Coupled with the increase in life expectancy, the trend is for the total population to decrease and age. ELSTAT, UNPP, and EUROSTAT project a total population decrease by 2050 if there is zero or reduced migration.

For ELSTAT, the population decreases to 9.7 million, for Eurostat to approximately 9,3 million, and for UNPP to almost 9.2 million (ELSTAT, 2021; United Nations Population Division, 2015; Eurostat, n.d.).

3.4 Labour Shortages

Figure 3.6 demonstrates that several MSs, including Greece, Italy, and Spain, have not primarily suffered from a labour shortage, and have experienced high unemployment since the beginning of the 2008 financial crisis. In the EU, Spain and Greece have the lowest percentage of posts that are not covered, partly connected to the highest unemployment rates. In 2021, it was approximately 0.7%.

Figure 3.6 Job Vacancy and Unemployment Rates in EU



Source: Eurostat (2022) Job vacancy statistics by NACE Rev. 2 activity - quarterly data (from 2001 onwards) [jvs_q_nace2] and tps00203 (Own Elaboration of Data)

In Belgium, the Netherlands, and Austria, comparatively high unemployment rates coexist with high vacancy rates, indicating inefficient job matching, especially regarding skilled labour. The Czech Republic stands out for its extremely high job vacancy rate and relatively low unemployment rate, showing that labour shortages are a big concern for the economy. Labour shortages have appeared in several Eastern European countries, causing wages to

increase significantly over the past few years. For instance, the average monthly pay has nearly doubled in the Czech Republic, Hungary, and Lithuania in only half a decade. The core industrial states and their Eastern European satellites, particularly Germany, the Netherlands, Hungary, and Poland, don't suffer from high unemployment levels but relatively higher vacancy rates, which denotes a lack of workers for certain sectors. Greece has high unemployment rates, nevertheless, the vacancy matching mechanisms, are ineffective, especially in sectors characterized by seasonality that hire many immigrants.

In Greece, 35.6% of businesses face difficulties in filling vacancies. For export-led companies, the percentage is 45.9%, while for large ones, 44.7%. On the other hand, the lack of basic qualifications is a problem for only 11.5% of the population (Hellenic Federation of Enterprises (SEV, 2018, p. 2-3.) In 2022, out of the 262.981 jobs open in hotels, 202.756 positions were filled, while 60.225 positions remained vacant (23%) (INSETE, 2022). 78.6% of businesses in the catering sector had at least one vacancy. 52% of these businesses had 2 vacancies. On average, businesses in the tourist season in 2022 had 2 to 3 vacancies, resulting in serious operational difficulties, mainly for waiters and cooks (Hellenic Confederation of Professionals, Craftsmen, and Merchants (GSEVEE), 2022). The construction sector has a shortage of at least 10.000 workers. Shortages of unskilled personnel are estimated at 5.000. The specialties include blacksmiths, cement makers, and builders (Economic and Social Council of Greece (ESC), 2023, p. 52). According to the Hellenic Federation of Enterprises (SEV), there are highly qualified jobs that could be covered by immigrants and refugees, mainly highly skilled jobs in specialties like technology, marketing, and sales of technologically advanced products and services. Often these positions are not filled by domestic labour. These positions are around 6.000, but in a long-term forecast, they could exceed 10.000 (ESC, 2023, p. 57.)

All the Cedefop 2020 'Skills Forecasts Country Reports' support the idea that increasing higher-educated workers means shortages in medium- and lower-qualified positions. These shortages imply that some highly educated workers may have to work in occupations that require lower qualifications than theirs (usually immigrants), or that hiring difficulties may occur for these positions. Professionals, legislators, senior officials and managers, technicians, and associate professionals will face fewer hiring difficulties. Significant labour shortages for highly skilled IT workers, especially in the EU industrialised states that aim to transform their economy digitally, are observed. Shortages occur in nearly all the MSs in low-qualification posts, such as elementary workers, assemblers, and operators (See Table 3.1.)

In Greece, from 2018 to 2030, employment composition is characterized by specialisation and changes in industry size. Posts that require high qualifications, like legislators, senior officials and managers, professionals, technicians, and associate professionals, will experience significant growth due to occupation-specific and industry changes. Health and teaching professionals are leading the way, and engineering business and administration professionals, are facing more difficulties in hiring, mainly due to the increase in industry size (Cedefop, 2020.)

Table 3.1 Mismatch Priority Occupations in EU Member States for 2020	
Clerks	CZ, EE, EL, LT, LV, SP
Farm and Related Workers	AT, BG, CY, FR, DE, IR, MT, PL
Trades Workers	AT, CY, CZ, FR, EL, IR, IT, LT, LU, NL, RO, SK
Managers	BE, FI, DE, DK, EL, FR, HU, IT, IR, LV, RO, SK, SP
Service and Sales Workers	AT, CY, CZ, EE, FR, HR, DE, EL, IT, LU, NL, PO, RO, SK
Professionals	BE, DK, FI, FR, DE, EL, HU, IT, LT, LV, LU, MT, NL, PL, SL, SP, SE
Operators and Assemblers	AT, BG, CY, CZ, EE, FR, DE, EL, HU, IR, IT, LT, LV, LU, MT, NL, RO, SK, SP, SE
Elementary workers	BE, AT, BG, HR, CZ, EE, FR, HU, IT, LT, LV, LU, MT, NL, PL, PT, RO, SL, SP, SE
Source: Cedefop, 2020 Own Elaboration of data from the Skills Forecasts Country Reports, (2020)	

The impact of technological change should not be overstated. The advancement of technology at the expense of low-skilled jobs has not always been verified, especially in Europe and the US, where job growth has been observed for both low-skilled and high-skilled jobs (Cedefop, 2018, p. 78). Many bottom-level jobs tend to be more resilient because they are not trade-based or require repetition or automation, like jobs in hospitality, health care, and domestic activities (Leon, and Overbeek, 2015.) Care workers and other occupations are based on human communication, which makes them even more resilient. Immigrants are overrepresented in these sectors in Europe.

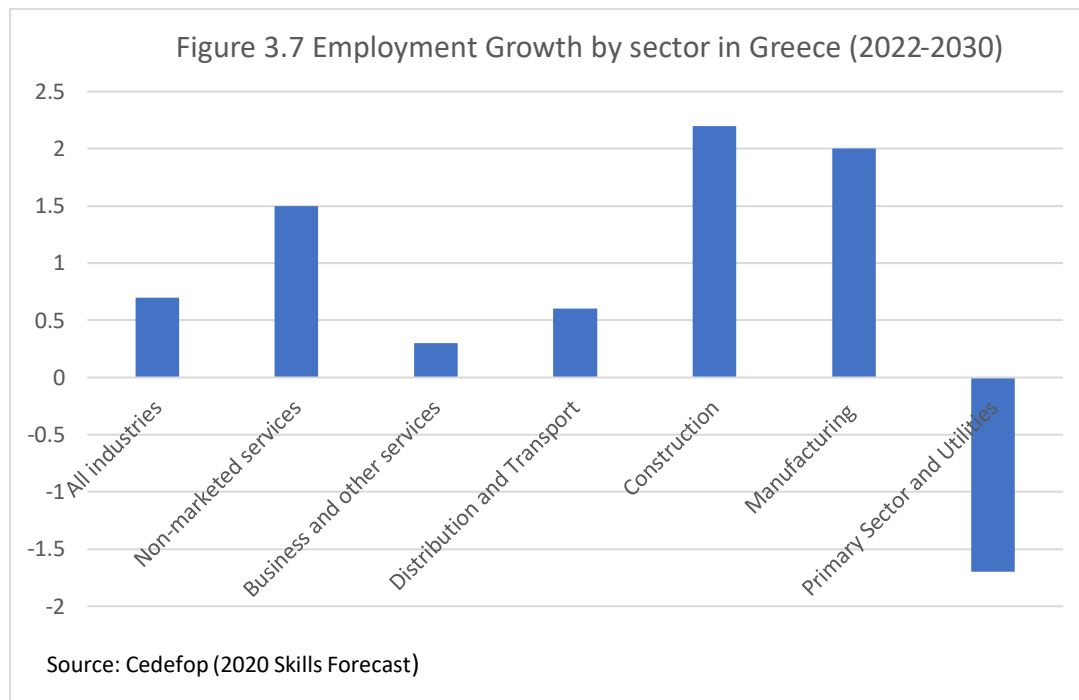
In Greece, as in the rest of the EU, about 50% of new jobs will require high qualifications. A service-oriented economy intensifies this trend. The highest number of new job opportunities (645.000) refers to service workers and shop and market sales workers. This number consists of about 60.000-80.000 new jobs created, and the rest involves replacements. The share of higher qualified workers was 32% in 2018 and is expected to reach 40% in 2030, a trend mostly attributed to older people's retirement. The share of medium-qualified workers was 41% in 2018 and is expected to drop to 36% in 2030, while the amount of low-qualified workers will remain nearly unchanged. Compared to other MSs, fewer new jobs will demand medium qualifications, while more new jobs will demand low qualifications (Cedefop, 2020, p. 8-9.) Plant and machine operators, assemblers, craft, and related trade workers will have greater difficulties hiring. Job openings are expected to decline in skilled agricultural and fishery workers, a sector where more than 90.000 jobs will be lost because of the aging population and investment in technology (Cedefop, 2020, p. 7-8.) Greece often hires immigrants in these low-qualified jobs.

Elementary workers are in shortage in most of the European Member States and Greece⁵. These low-skilled professions are avoided by locals and are usually taken on by immigrants. Operators and Assemblers are the second category with the highest shortages. Operators and

⁵ Tasks performed by workers in elementary occupations include selling goods in streets and public places, cleaning, washing, property watching, delivering messages or goods; generally performing simple tasks in farming, fishing, and mining, construction, manufacturing and services.

assemblers perform tasks in manufacturing and transport, including assemblers, drivers, vehicle operators, and machine and plant operators, often left to immigrants.

Figure 3.7 Employment Growth by Sector in Greece (2022-2030).



Source: Cedefop, 2020 Own Elaboration of data from the Skills Forecasts Country Reports, (2020)

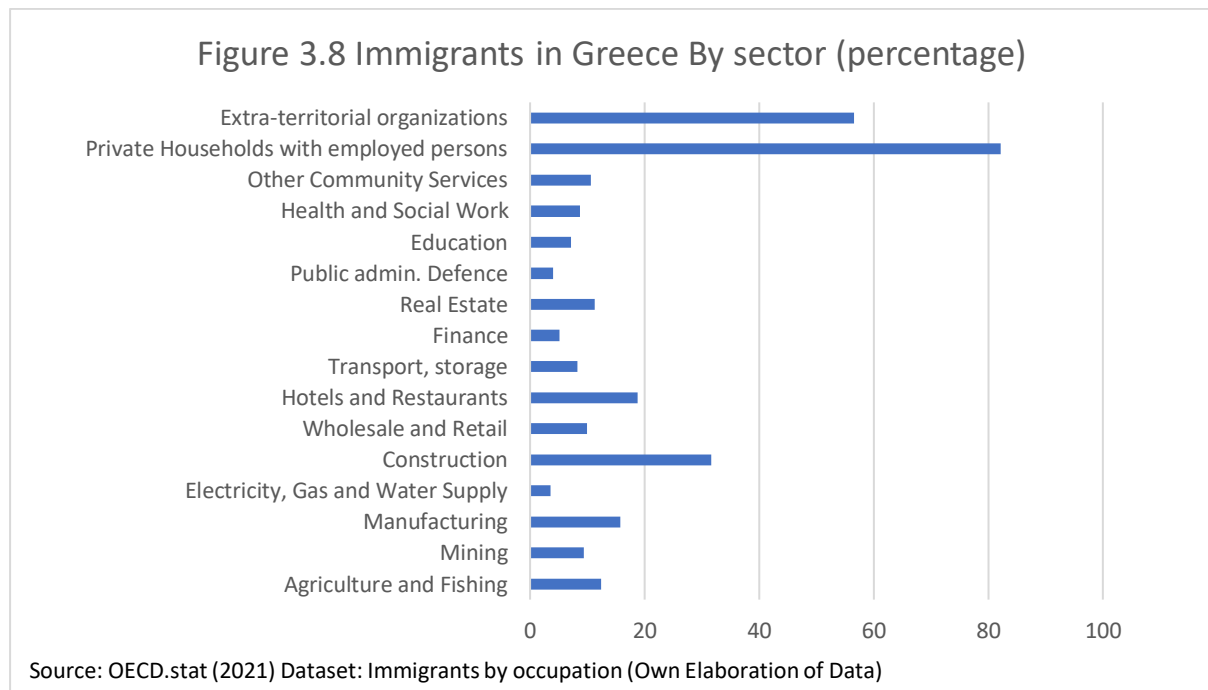
Most labor sectors are expected to experience a rise in employment during 2018-2030 (Figure 3.7.) Constructions will lead the way with a 2.2% growth rate. Non-marketed services will grow by 1.7% in the short term and 1.5% in the long term, while primary sector and utilities are predicted to see a decline worse than during the financial crisis. In Business and other services, a decrease in employment is observed in the short term and is expected to grow modestly in the long run. Manufacturing in the short term is expected to remain stable, but 2% growth is predicted in the long term. Health and education are the main reasons behind non-marketed services' development, while telecommunications' strong growth of 6% is not enough to lift the business and other services sectors since architectural and engineering are expected to decline by 6% (Cedefop, 2021.)

In 2021, out of a total of 21 sectors, only 8 recorded higher employment levels than in 2009. The largest increase appeared in 'Human health and social work activities' (+42.2 thousand people), followed by "Professional, scientific and technical activities" (+16.6 thousand people) and "Information and communication" (+14.900 people). Notably, in 2021, compared to 2009, the number of employed persons in all sectors was smaller by 647.5 thousand people. The largest decrease in employment is recorded in 'Construction' (-228.4 thousand persons), 'Manufacturing' (-130.2 thousand persons), 'Wholesale and retail trade' (-130 thousand persons), 'Agriculture, forestry, and fisheries (-85.2 thousand persons), and 'Household activities as employers' (-71 thousand people) (Labour Inspectorate Agency [SEPE], 2022 p. 109-110). All these are sectors where immigrants are overrepresented, something which explains the higher percentage of unemployment for immigrants than nationals (see below.)

3.5 Third-Country Nationals in the Greek Labour Market

TCNs in 1981 were approximately 180.000, less than 2% of the total population. In 1991, they corresponded to 1.63 percent of the total population (167.000). In 2001, the numbers quadrupled, amounting to almost 762.000 non-Greek citizens (7% of the total population), and in 2011, at 912,000, the percentage increased to around 9 % (ELSTAT, 2021.) In 2021, 88.9% of the country’s population was born in Greece and 11.1% in another country, while 92.7% have Greek citizenship while 7.3% are citizens of another country (ELSTAT, 2023.) Out of the 4.102.000 workers in Greece, approximately 507.000, or 12.36%, are foreigners (OECD, 2024.)

Figure 3.8 Immigrants in Greece by Sectors



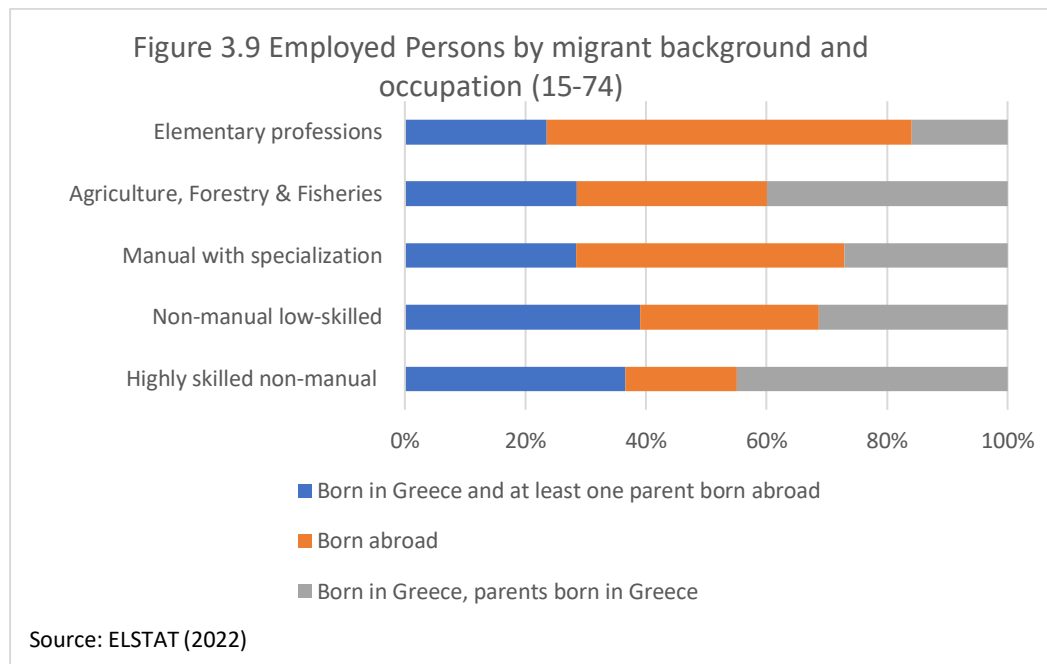
Source: OECD (2021) Dataset: Immigrants by occupation (Own Elaboration of Data)

In Greece in 2021, immigrants are overrepresented in the domestic work and extra-territorial sectors, with 82.2 percent and 56.6 percent, respectively. They have a strong presence in construction, corresponding to 31.6% of labour and in low- and medium-skilled positions in administration and support services, while being underrepresented in education, public administration, defence, financial, and insurance activities. In Greece, as in OECD, immigrants are underrepresented in sectors that require high qualifications, except for Information and Communication Technology (ICT) (OECD, 2020.) In hotels, restaurants, and manufacturing, their share is at 18.8 and 15.8 percent, respectively.

Some 33.8% of people with migrant backgrounds (parents born in Greece) are employed in highly qualified positions (see Figure 3.9.) Foreign-born in manufacturing are almost double compared to nationals (26.4% vs 14.4%). Most foreigners born in Greece (one parent born abroad) (42.0%) are employed in low-skilled non-manual positions, in trade, transport, catering, and the hotel sectors. Most of the TCNs born abroad are employed in manual jobs

with specialization (26.7%) (ELSTAT, 2022.) Second-generation immigrants are upskilling and filling better positions than first-generation immigrants.

Figure 3.9 Employed Persons by migrant background (15-74)



Source: ELSTAT (2022) <https://www.statistics.gr/documents/20181/83acfb99-c0a0-7efb-fe28-6cf9f09551d7> (Own Elaboration of Data)

3.6 Third-Country Nationals in the Greek Economy

As shown in Table 3.2, immigrants' participation in the labor force as a percentage of the population is bigger than that of Greek nationals. Since 2016, the difference between them has been as high as twenty percentage points, and it only decreased after 2016, when the immigrants' total labor decreased as the economic crisis escalated.

Year	Greek Citizenship	Foreign Citizenship
2006	52.0	71.1
2007	51.8	71.4
2008	51.7	71.0
2009	51.9	73.2
2010	51.8	73.1
2011	51.1	72.3
2012	51.0	71.7
2013	50.5	71.9
2014	50.4	71.4
2015	51.1	71.4
2016	51.0	68.6
2017	51.1	66.7

2018	50.9	66.9
2021	50.4	50.7
Source: ELSTAT (2021) https://www.statistics.gr/2021-census-pop-hous (Own elaboration of Data)		

Greece, with 38.1%, has one of the highest average employment gaps between disadvantaged groups (women, young people, people aged 55-64, immigrants, people with disabilities, etc.) and employed men aged 25-54. For most European countries, the difference is between 15% and 25% (SEV, 2018, p. 2-3.)

Before the crisis, the difference in unemployment rates between nationals and TCNs was around 1,2 %, close to the EU average. However, as the crisis unfolded, the gap increased significantly, reaching its highest in 2012 (approximately 10.2%). After 2013, the unemployment rate fell for both Greeks and foreigners, and the immigrants' integration into the labor market converged with that of the Greeks (National Institute of Labor and Human Resources, 2017, p. 168.) However, recent immigrants experience overwhelmingly higher unemployment rates than older immigrants, reaching 59% (Leontitsis *et al.*, 2020.) Thus, unemployment became a harsh burden for both foreign and national populations. While in 2008, less than half of the unemployed were long-term unemployed, in 2014, they reached almost three-quarters. Afterward, their number decreased but remained above 70% of the total unemployed population in 2019, something which shows the incapacity of the Greek economy to create jobs (Makantasis and Valentis, 2022.)

Year	Greek Citizenship	Foreign Citizenship
2006	8.9	8.3
2007	8.3	6.7
2008	8.0	7.6
2009	10.5	12.0
2010	14.1	17.2
2011	20.5	25.4
2012	25.2	37.0
2013	27.0	36.4
2014	25.6	31.7
2015	23.9	30.7
2016	23.1	30.2
2017	20.8	29.0
2018	18.1	27.7
2019	16.7	26.6
2020	15.6	28.8
2021	14.3	24

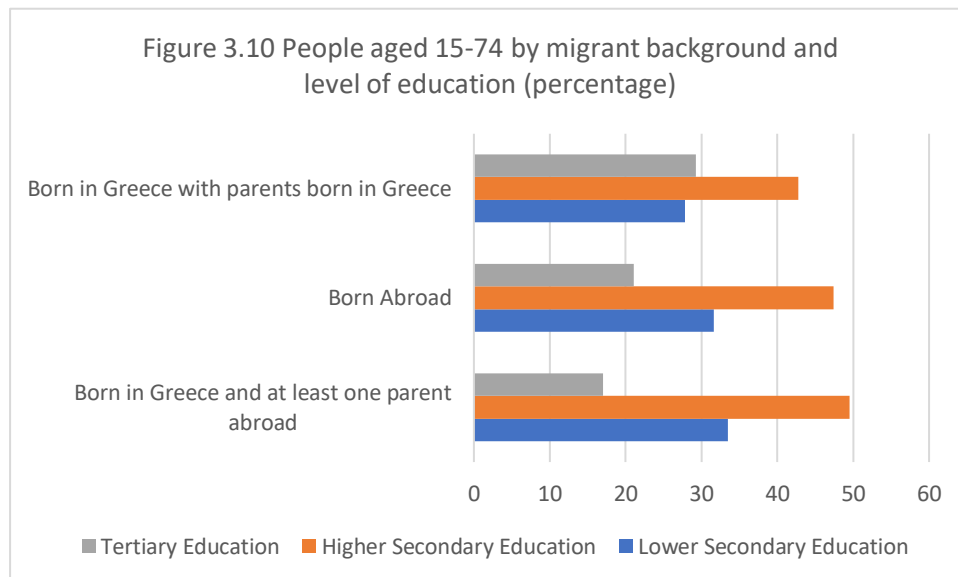
Source : ELSTAT (2018) ; Eurostat (2022)
<https://www.statistics.gr/el/statistics/-/publication/SAM07/-> and
https://ec.europa.eu/eurostat/databrowser/view/lfsa_ergan/default/table?lang=en

Unemployment rates between recent and older immigrants show how far recent immigrants are from being fully integrated into the labour market (see Table 3.3.) As will be shown later, recent TCNs fail to envision how they could contribute to the Greek market, and they recognize the problems that the country is facing. It is important to mention that more than 80% of older immigrants arrived in Greece for work, while for recent immigrants, this percentage is less than 20% (Leontitsis et al., 2020.)

Since the mid-1990s, the increase in total population has been attributed to migration. In terms of age, even though the average age of foreign-born is slightly higher than that of nationals when second-generation immigrants are compared to nationals, the numbers are 30.2 years of age versus 45.9 for nationals. The 35-44 age group prevails for second-generation immigrants. Immigrants born in Greece but who have at least one parent born abroad are particularly young, as more than 70% are 35 years old (ELSTAT, 2022.)

People with migrant backgrounds and both parents born in Greece have completed higher education by 29.3% and lower secondary education by 27.8% (see Figure 3.10.) Immigrants with one parent born abroad have a tertiary degree of 17% and a lower secondary degree of 33.5%. 21.1% of foreign-born have a tertiary degree, and 31.6 lower secondary degrees. More than 40% in all categories have completed higher secondary education. Most second-generation TCNs are hired in non-manual jobs, while the opposite happens for first-generation immigrants. It is noteworthy that second-generation TCNs with one parent born abroad have the lowest share in tertiary education, even from first-generation immigrants, and they are employed in low-qualified non-manual positions, something showing that Greece is struggling to incorporate immigrants in the labour market and offer them similar opportunities of integration with the first-generation TCNs.

Figure 3.10 People aged 15-74 by migrant background and level of education by percentage

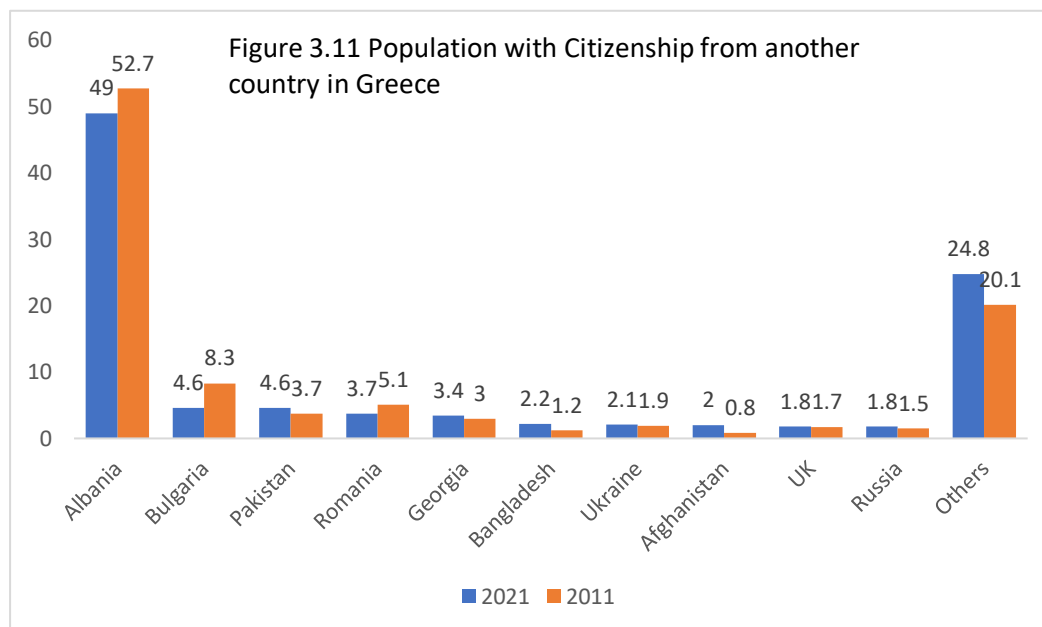


Source: ELSTAT (2022) <https://www.statistics.gr/documents/20181/83acfb99-c0a0-7efb-fe28-6cf9f09551d7> (Own Elaboration of Data)

In the 2021 census, approximately half of the foreigners were Albanians (49%), down from 52.7% in 2011. Albanians and Bulgarians comprise more than half of this population, while TCNs from the Balkans have always made up most of the population of TCNs. Due to

proximity to the country, they are often admitted as seasonal workers and leave the country after a few months to be readmitted the following year. Until 1989, most of the TCNs came from countries with strong Greek presence. However, in the early 2000s, the share from Asia and Africa increased. In 2011, Albanians and Bulgarians made up more than 60 % of the TCNs; in 2021, this number decreased to approximately 54 %. In 2011, 8,6% of legal immigrants came from Asia and Africa; in 2021, the number was 7% (ELSTAT, 2021.) While until the end of the 1990s, most registered foreigners came from other European countries, at the beginning of the following decade, after the country joined the Eurozone and hosted the 2004 Olympic Games, there was a slight variation in the ethnic composition of newcomers with the share of TCNs from Asia and Africa (see Figure 3.11), almost doubling reaching the numbers mentioned earlier. Albania has always been Greece's most important source of labour. However, after the 2008 crisis and the migration of many Albanians to other more prosperous European countries (ESC, 2023). Therefore, Greece has turned to Asia and Africa in the last decade to find foreign workers.

Figure 3.11 Population with Citizenship from another country in Greece



Source: ELSTAT, Census (2021) <https://www.statistics.gr/2021-census-res-pop-results>

Immigrants are primarily workers and, therefore, constitute an important part of the working class. Usually, the entrepreneurship rate of immigrants is higher than that of locals. In Greece, however, this phenomenon is not observed. In 2013, 33.3% of the nationals were self-employed, and only 10.1% of the self-employed were foreigners. In 2022, the numbers were 26.9% and 11.7% respectively (Eurostat, 2024.)

3.7 The economic impact of migration

Since Greece became a migrant-receiving country, the foreign population has contributed to the economy, in several ways. In 2004, the direct contribution of immigrants to the country's GDP amounted to at least 2.3%-2.8%, not including indirect or secondary effects of the presence of immigrants in the country (Zografakis, Kontis and Mitrakos, 2008, p.67.) For the period 2007-2009, the annual fiscal impact of migrants ranges between 0.89% and 0.98% of GDP, on average, while it is noted that the effect is similar in the coming years, as the

contribution of migrants to the Greek economy is gradually established (Gavroglou, 2017.) The same report (2017) points out that immigrants do not affect the jobs of Greeks, except to a small extent, as they complement the local workforce. On the contrary, immigrants benefit the economy as they offer cheap labour, pay taxes, and consume.

Another myth that should be addressed is the social benefits immigrants receive. According to the OECD, in 2012, at the centre of the economic crisis, the recipients of migrant households' social benefits compared to the Greek households were 3% and 5%, respectively. Regarding the unemployment benefit, 16% of immigrants received it compared to 6% of Greeks, 11% of immigrants received pensions compared to 52% of Greek workers, and 7% received family benefits compared to 11% of Greek households (National Institute of Employment and Labor Force, 2017, p.168.)

The positive impact of TCNs on the Greek economy results from the fact that they are employed in jobs that Greeks shun. When immigrants work in an area where they outnumber Greeks (over 60%), the likelihood that Greeks will suffer from unemployment is reduced because immigrants complement the Greeks and strengthen production activity (Economou, *et al.*, 2016.)

In research on the national institutions and the fiscal effects of immigrants in the Mediterranean, Greece is a special case with particularly high public budget deficits. Nevertheless, the average migrant household in Greece annually contributes 7500 euros to the public budget, which is more than the average among the Mediterranean countries (5900 euros.) It is Spain where the fiscal contribution of EU migrant households is the smallest (2100 euros) (Österman, Palme and Ruhs, 2019).

Research focusing on migrant entrepreneurship supports the idea that this entrepreneurship revives old and forgotten crafts and arts, as many migrants work as craftsmen. The craftsmen themselves very often, after having worked somewhere for some years, build their businesses, creating more jobs. Indeed, data from the period of the crisis in Greece show that migrant entrepreneurship is increasing (Frangiskou *et al.*, 2020.)

According to the OECD, from 2006 to 2018, in Greece, migrants contributed 1.24% of the GDP annually on average if public goods are not considered. If public expenditures are apportioned per capita to the entire population, the number drops to 0.04. The equivalent numbers for native-born are 7.25 and -7.54, respectively (Damas, 2021.) The net fiscal contribution of the native-born improves when the public goods are appropriated over a larger population that includes immigrants. For all OECD countries, immigrants' individualized net budgetary contribution is positive, if the public goods are not considered, meaning that immigrants receive fewer benefits than they contribute to taxes and social contributions (Ibid, p. 119.) In Greece, the share of total expenditure on public goods financed by immigrants from 2006 to 2018 is approximately 6% (Ibid, p. 124.) In Greece, the total per capita government expenditure on foreign-born citizens represents approximately 67% of the expenditure on native-born citizens. The spending on old age and survival means accounts for more than 30% of this gap. For family allowances, unemployment expenditure, and housing, the spending per capita on foreign-born people is higher by around 2% of the natives (Ibid, p. 127.)

3.8 The neoliberal reforms of the Greek labour market

The neoliberal reforms in Greece, which were launched before the 2008 financial crisis, with the EU Flexicurity labour strategy, introduced elements from commercial law and competition law that have altered the essence of labor law, which is the protection of the employer. During the bailout agreements period, extensive violations of labor legislation led to the adoption of anti-labor reforms that were justified as necessary to avoid redundancies. The individualization of labor relations is reflected in the dismantling of collective agreements and the introduction of flexible forms of employment to suit the firm's needs and address the crisis's emergency calls. Deregulation in the public sector paved the way for widespread austerity measures in the private sector (Kouzis, 2017.)

Austerity, instead of containing dismissals like the neoliberal Flexicurity strategy promises, aims exactly the opposite to facilitate redundancies by shortening the maximum notice period from 24 to 4 months and by reducing the compensation to senior employees from 24 to 12 salaries, in case of redundancy (the cost of redundancies is reduced by up to 14 salaries.) The period to pay compensation following the termination of a contract is extended from 2 to 12 months. Finally, the threshold for collective redundancies is increased from 4 to 6% for businesses employing 20 to 150 employees and from 2 to 5% for larger companies, while a ministerial decision is no longer required for approving redundancies exceeding those limits. During the economic crisis, full-time contracts were converted to part-time by 350%, while rotational work (work at least 1 day per week), imposed by the employer, increased by 1,300%. Uninsured work increased from 22% to 40%, intensifying insecurity. The maximum period of temporary contracts extends from 2 to 3 years, while compensation for part-time workers is abolished (Kouzis, 2017, p. 12-13.) Unemployment benefits in Greece were never high. After the bailout agreements were imposed, unemployment benefits were equivalent to 57% of the minimum wage.

A fundamental principle of labor law is abolished, that of 'the more favorable regulation for the benefit of the worker', by targeting collective agreements. Collective agreements are signed based on the minimum wage, as the respective sectoral agreements no longer bind the salary threshold. In 2021, 16 national sectoral agreements were signed, 9 local agreements and 182 operational agreements were signed (SEPE, 2011). Law 4024/2011 allowed firm-level labour agreements to substitute sectoral and collective agreements. The ability to sign firm-level contracts with workers' associations or else "Association of persons", which are not trade unions but can be formed if 60% of workers of a firm participate in it, is a form of collective caricature that deprives workers of the trade union protection and therefore facilitate wage moderation. Flexibility in employment includes measures like abolishing the five-day work per week, allowing stores to work on Sundays, and implementing flexible working hours.

The result is the following: Even though wage reductions were justified to avoid dismissals and sustain quality of work, the facts in 2021 show that in terms of quality of work compared to the EU-27 average, Greece is in last place. Regarding the dimension of quality of income, which focuses on enabling workers to have sufficient income to meet their needs, Greece comes third from the bottom (GSEE, 2023, p. 116.) The relationship between full-time jobs and precarious employment significantly impacts workers' incomes and living standards. In 2017, most new hires in the private sector were part-time (47.86%) and rotational (13.81%) (GSEE, 2017, p. 5.) During the economic crisis, wages decreased in all sectors of the

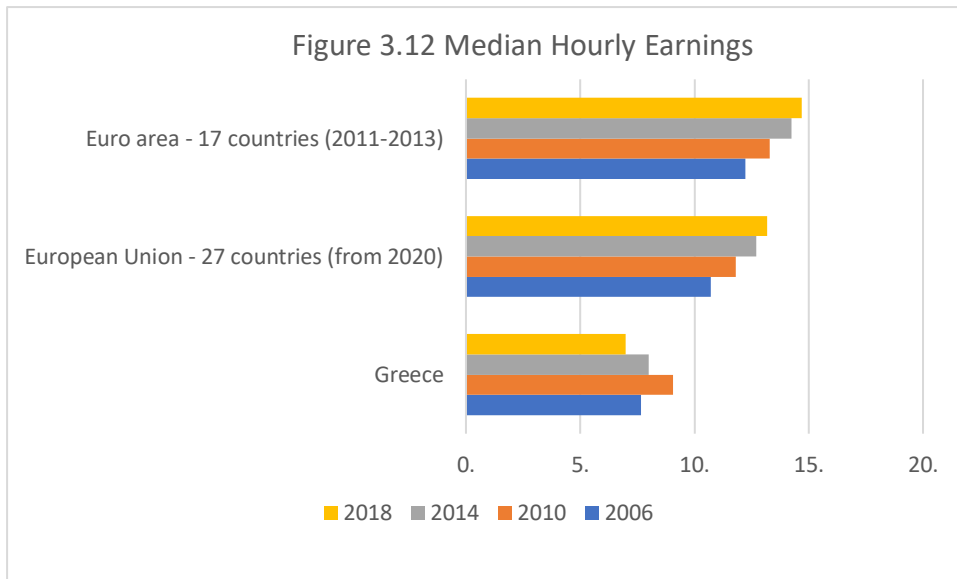
economy, leading to a horizontal decline in income. The labour-intensive sectors where most migrants work experience the largest reductions in wages.

It is a bailout commitment that wages in Greece should converge with the wages of the rest of the Balkans. Shrinking wages are the main consequence of austerity policies ranging from 15% to 60%. The second bailout agreement reduces the general minimum wage by 22% (and by 32% for young people under 25.) At the same time, the increases in basic salaries and allowances freeze until the unemployment rate falls below 10%, a fact that is not expected to occur, before 2036 (GSEE, 2023, p. 6.) Horizontal wage cuts in the public sector ranged from 20% to 55% and in the private sector from 22% to 24%, exceeding the bailout agreement reduction target of unit labor costs by 15%. 90% of wages are set through personal bargaining instead of collective bargaining. The poverty rate rose from 21% to 33%, while the percentage of homeless people increased by 27%. Between 2008 and 2018, graduates' net average annual income decreased by 36%, one of the lowest in Europe. Up to 65% of their salary is insurance contributions and taxes (SEV, 2018.)

It should be highlighted that these austere measures were adopted long before the financial crisis in Greece. Indicatively, in the early 2000s, youngsters were called the 'generation of 700 euros' (low wage), representing about 1/5 of the employed workforce in the country. Equally important is that even though Greece maintains low labor costs, after the crisis, it is in last place in terms of productivity, indicating that the structural pathologies of the Greek economy are seriously not addressed. Before the pandemic, labour productivity was growing faster than the EU average, while the average wages were growing slower. After the pandemic, this redistributive effect at the expense of labor remained dominant, and even though in 2021, productivity started growing again, it was not accompanied by a corresponding increase in the average wage (GSEE, 2023.)

While the median hourly earnings in the EU and the Euro area increased between 2006 and 2008, in Greece, the median hourly earnings decreased from 9.06 euros in 2010 to 7 euros in 2018 (see Figure 3.12.) Hourly earnings in 2018 were lower than the corresponding earnings of 2006.

Figure 3.12 Median Hourly Earnings



Source: Eurostat (2021). Median hourly earnings, all employees (excluding apprentices) by sex [earn_ses_pub2s\$defaultview] (Own elaboration of Data)

In the second quarter of 2021, Greece recorded the second worst performance in the EU after Austria, as the real average wage was reduced by 4.4% compared to the same quarter of 2019. Moreover, Greece is the only member state with a real average wage below 2019. In March 2021, part-time employees worked full-time at 76% but received only 38% of the average full-time salary (SEPE, 2021.)

Based on the monthly reports of ERGANI's information system in 2021, the 182 new corporate collective labor agreements cover only 152.077 employees. Of these, 141 operational contracts (77%) keep the salary unchanged, 33 business contracts (18%) foresee slight increases, and the remaining 8 foresee a reduction in earnings.

The 34 sectoral and co-occupational agreements in force potentially cover a relatively large number of employees (approximately 625.000 people), corresponding to approximately 27% of all employees. However, it is crucial to point out that the actual coverage rate decreases even further if we consider that out of all the different types of contracts, only 5 collective agreements have been declared nationally binding, meaning compulsorily applicable to all workers (SEPE, 2021.)

In the EU, TCN employees make 25% less income than nationals. Throughout their lives, migrants continue to earn less than natives. Regarding salary disparities, the difference between migrants and native-born are roughly 15-20% for migrants who have been in the country for more than ten years. It is striking that these immigrants earn twice the income of newcomers. Overly, the revenue of migrants doesn't rise with age, meaning that as people age, the wage disparity with natives widens. Usually, natives tend to be older workers and better educated, but when these variables are considered, part of these wage differences remain unexplained (Dossche *et al.*, 2022.) In 2015 in Greece, the median income of foreign-born was approximately 6000 euros compared to 8000 euros for natives (the second worst among the OECD states for both nationals and foreign-born) (OECD and European Union, 2018.)

Even though immigrants usually complement the local labor, canceling the effect on the reduction of wages in the long run, in the short run, some pressures decrease wages. In Greece, the employment of workers from third countries is connected to the downward pressure in many sectors. For example, during consultations with the government, several stakeholders expressed the following concerns: In the transport sector, concerns were raised over crew members on crew ships or third-country truck drivers who are pushing wages lower. Aviation industry trade unions are worried that the wage scales for all cabin crew members would be dragged downward since pay parity and working conditions cannot be mandated. It is crucial for touring artists to make sure their stay is lawful (European Commission, 2024b).

Labour flexibility aims to reduce labour costs to enhance competitiveness. The widespread violation of labour rights that allows phenomena like uninsured and undeclared work to flourish reinforces the exploitation of the labour force, especially of vulnerable workers like migrants, youngsters, and women, who are the target population of the EU's labour strategy, Flexicurity.

3.9 Undeclared work and irregular immigration

In Greece, undeclared work is a phenomenon that afflicts domestic and foreign workers who either work uninsured or are not declared by the employer to the competent authorities (SEPE, 2011.)

The shadow economy refers to economic activities hidden from official authorities for monetary, regulatory, and institutional reasons. It reflects mostly legal activities contributing to national GDP, excluding illegal or criminal activities and do-it-yourself activities. These activities create value-added, unlike classical crime activities (Schneider, and Asllani, 2022, p. 10.)

The shadow economy in Greece between 1999 and 2017 was 27% of the GDP. In 2020, the shadow economy was slightly over 20%, as measured by the European Parliament (Schneider and Asllani, 2022), and it remains one of the highest in the EU. During the crisis, undeclared work jumped from 29.7% in 2010 to 40.5% at the end of 2013 and decreased to 25% at the end of 2014 (ILO, 2014.) In 2013, at least 40.5% of employees were undeclared or uninsured workers, and 50.2% of employers had resorted at least once to some form of undeclared work (Special Insurance Control Service—EFPEA, 2013.) The numbers increase by 59% in sectors with seasonal employment, where undeclared work takes the form of uninsured work (SCE, 2014, p. 7.)

If an employer uses unreported labour, they may be fined up to 10,550 euros per employee. At least since the 2008 financial crisis, the state's oversight procedures have been essentially non-existent, thus this amount is still small compared to what employers may hide from the authorities for years. The fact that if the employers are caught using undeclared personnel, they pay a reduced fine of 2000 per person if they employ them, is an additional disincentive for them to declare workers. It is highly likely that in an environment of general delinquency, the phenomenon of minimum-formal legality will occur to avoid fines (Ibid, p.7.)

Although austerity measures have partially succeeded in decreasing employers' social payments, they have not adequately addressed the structural issues facing the Greek

economy, which has resulted in subpar reductions in the amount of undeclared work. Unreported labour has consistently been a significant part of the Greek economy, highlighting the profound nature of the issue. A new flight into the shadow economy is encouraged by the vicious cycle of a declining tax base, which has gotten worse since the country acceded to the Eurozone, and by insufficient auditing and inspections/controls.

The high labour tax burden (social security contribution rates or total tax wedge) is a major disincentive for reporting the real numbers of workers. The unemployment rate rises with the rate of employers' social security contributions. Social contributions have always been higher in Greece than in the rest of the EU. In 2000, they were as high as 44% of the wage, while the equivalent was 38% for the Euro area. In 2008, the corresponding numbers were 41% and 37%, respectively (Gatopoulos, *et al.*, 2021, p.9). In Greece, one of the countries with the highest OECD, non-wage costs reach 35% of labour costs, while those in other EU countries range between 13% to 39% (ESC, 2015.)

However, these social contributions could be tolerated in an economy with a productive base with high added value. The intertwined interests of big business and the government strongly resist any change in Greece's production model, which seems even more difficult to happen under the huge burden of repaying the external debt. Unlike other states where the workforce is primarily made up of wage earners, the labour market in Greece is made up of wage earners and many self-employed, a category of workers whose source of income is difficult to monitor. Even though the number of self-employed has somewhat decreased after the crisis, in 2018, it remained high at around 24%, in comparison to 13% in the Euro area (Gatopoulos, *et al.*, 2021, p.9).

According to a survey conducted by the Labour Inspectorate Agency (SEPE, 2012), 76.6% of employers responded that they had not declared at least one employee in the last three years. In fact, for the age category 18-24 years, the percentage jumped to 100%. Employers say that the employees themselves proposed 38% of undeclared work. "Economic reasons" and "this is how I am used to" collect most of the responses on the reasons why employers resort to undeclared work. Employers themselves admit that uninsured work is their dominant choice (63.1%), but a very high percentage (32.5%) also gathers the answer "not issuing a working stamp" (SEPE, 2012.) A large percentage of those who worked undeclared (27%) said that they proposed it to their employers. Of the reasons why employees accepted or proposed to work this way, the answer "to get the job" stands out (41%), followed by the answer "for economic reasons" (34%). Most worked for 3-6 months; in most cases, this meant uninsured work (95%).

The successive arrival of the 2008 financial crisis, the refugee crisis, and the pandemic led to the restructuring of the labour market. Indicatively, only 9% of the recent immigrants in Greece work, while 53.3% work without insurance, something which confirms the wide range of undeclared work among refugees, as well as immigrants (Skleparis, 2018.) The analysis of irregular immigration in Greece is not among the objectives of this thesis. However, irregular immigration should be highlighted in connection to undeclared work, as irregular immigrants either work illegally or are legal migrants who work without insurance and are obliged to tolerate undeclared work, for fear of not finding a job.

According to the "Système d'Observation Permanente des Migrations Internationales," SOPEMI (2010), an Organisation for Economic Co-operation and Development (OECD)

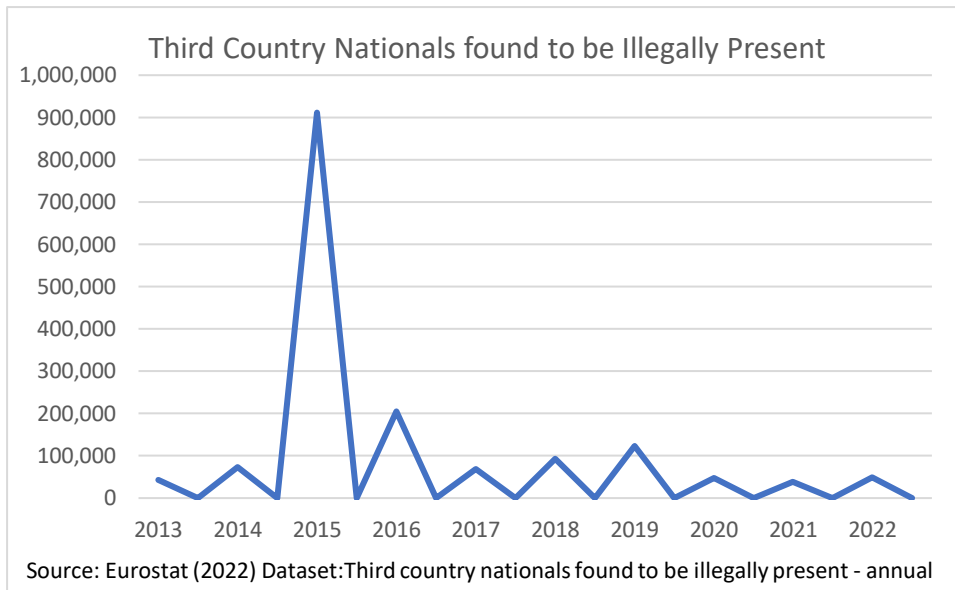
project that collects and analyses data on international migration, the issue of illegality is at the intersection of two basic problems: firstly, illegal arrivals happen to cover labor shortages that the national recruitment process fails to predict (see next chapter), and secondly, a common phenomenon in the Greek labor market is the collapse of legal immigrants to illegality when legal immigrants cannot meet the requirements for permit renewal, particularly during the economic crisis when unemployment increased (see following chapter) (SOPEMI, 2010). Papatheodorou (2005) makes the point that setting a maximum number of work permits may bring the opposite results, in the sense that this consolidated process sustains a certain number of undeclared jobs that are needed anyway, which may even be inflated in times of higher demand for labor (Papatheodorou, 2005).

Credible research on irregular migration in Greece is limited mainly to the years before the refugee crisis. In 2011, the number of undocumented immigrants in Greece was around 390.000, which corresponded to approximately 40 percent of the estimated total immigration population (approximately 1.240.000 people), the highest in the European Union (Maroukis, Igllicka and Gmaj, 2011.) Within a year, from December 2010 to December 2011, 100,000 residence permits were "lost"; valid residence permits were reduced from 603,000 at the end of 2009 to 448,000. Most of these people could not raise the required stamps in a period of unemployment to renew their permits (Maroukis, 2012.) In Italy, which is one of the transit EU states and one of the countries with the highest numbers of irregular migrants, irregular immigrants make up almost 14% of the total migrant population, and most of them are former legal immigrants that, for some reason, have "fallen" to the status of illegality.

During the 2015 refugee crisis, asylum seekers in Greece reached a staggering number of 911.471 people (see Figure 3.13). They were mostly Syrian, Afghan, and Iraqis who fled war, males by 93%, aged 18-33, in comparison to those coming from other countries, which are older with more equal gender balance (Balourdos, et al., 2019.) Only 20.868 people were returned to their countries in the following years, and other EU states took others (Germany took around 800.000 people.) In 2016, almost 50,000 people applied for asylum in Greece (European Commission, n.d.). In the following years, the number of illegal apprehensions fell significantly, reaching pre-crisis levels in 2017 (68.112 people in 2017.) They have increased in 2019 to around 123.000 and have fallen again in the following years to around 45.000 per year. In 2022, 49.000 people were apprehended. Most of those who crossed the borders intended to leave Greece for a more prosperous European destination. Between 2008 to 2014, only 20% intended to settle in Greece (Leontitsis *et al.*, p. 256-257.) However, because during the crisis, many Balkan countries closed their borders to Greece, with some other European countries following, many prospective refugees and migrants were trapped in the country in an endless and hopeless condition of illegality that forced them to accept undeclared jobs.

According to GSEE (2017), in 2016, about half a million foreign-born women were staying in the country illegally. Of these, about 200,000 had been delegitimized due to the rapid rise in unemployment after the financial crisis.

Figure 3.13 Third-Country Nationals Found to be Illegally Present.



Source : Eurostat (2022) Dataset: (migr_eipre)

In many cases, irregular migration is linked to circular migration from neighboring countries to cover employment in sectors like agriculture and tourism, which are characterized by seasonality. Most agricultural work is done by immigrants or young people working through their studies (European Commission, 2020.) Afterward, the immigrants return to their country to come back the following year. Some workers cross the border daily to work in the agricultural sector in northern Greece (ibid). As already mentioned, Albanians and Bulgarians make up almost 53 percent of the total immigrant population. For Albanians and Bulgarians, irregular trespasses can be as high as 30% of their total population (Gemi, 2017; Vullnetari, 2015.)

Greek employers use informal networks for recruiting immigrants, most often the immigrants' friends and family (Papadopoulos, 2006; Maroukis, 2016.) Relationships and trust are paramount, especially concerning seasonal migration, and friends and family play a crucial role. However, under the authorities' radar, some employers can be exploitative. For example, there are cases where employers asked the immigrants' families in Greece to pay 500 Euros as a guarantee against the immigrant's early departure (Vullnetari, 2015.) Immigrants without family in Greece are sometimes obliged to pay illegal networks as much as 1300 Euros to obtain a visa (Ibid, p.150-151).

According to Maroukis, private employment agencies have grown fast since the early 1990s and have been primarily involved in sectors that rely on cheap immigrant labor (Maroukis, 2016.) In the same study, immigrants' narratives not only highlighted that these agencies have made fortunes but also that in some cases, they keep money and passports as a guarantee. In other cases, they cooperate with traffickers, bribing officials in embassies for the granting of visas (ibid, p. 184-186).

In the Manolada case of 2017, the European Court of Human Rights (ECtHR) found that Greece had violated Article 4 § 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms because the respondent state had not fulfilled its positive obligations under the provision, which include protecting victims, preventing the disputed situation of

human trafficking, effectively investigating the crimes committed, and punishing those responsible for trafficking (Greek Ombudsman, 2018). Many of the workers in the strawberry fields of the village of Manolada, many of whom were migrants from Bangladesh and other countries have suffered grave abuse. Manolada's migrants frequently lacked access to basic amenities like clean water and sanitary facilities, as well as necessary safety precautions and suitable shelter, while working long hours in difficult conditions. Many of them received no compensation at all for their labour, and others received extremely low pay, less than the minimum wage. In April 2013, 200 migrant workers went on strike, leading to supervisors firing 30 of them, causing widespread condemnation in Greece and internationally.

According to the 'The Sustainable Interdisciplinary Research to Inspire Undergraduate Success' project (SIRIUS) even though labor inspections have intensified, their lack of systematization has produced poor results in tackling undeclared work (SIRIUS, 2019.) Most importantly, the European Commission (2012) supports that the poor results in tackling illegal employment are because undeclared work is considered a purely economic phenomenon. In contrast, it should be treated as a social phenomenon. Indeed, in the EU, as well as in Greece, undeclared work is considered ethically legitimate, and this could explain why policies often fail to reach their objectives (European Commission, 2017.)

Conclusions

The previous analysis shows that the EU's labour strategy, Flexicurity, is in full force in Greece. Neoliberal reforms in Greece have altered employer protection, leading to anti-labour reforms. During the economic crisis, wages decreased in all sectors, while Greece was committed to convergent wages with the rest of the Balkans. The bailout agreements facilitated redundancies by shortening the maximum notice period and reducing compensation for senior employees. The threshold for collective redundancies is increased and unemployment benefits in Greece have decreased to 57% of the minimum wage. New laws allow firm-level labour agreements to substitute sectoral and collective agreements. Firm-level contracts with workers' associations, if 60% of workers participate, deprive workers of trade union protection, and facilitate wage moderation.

The migrant population is essential for the Greek economy in terms of filling labor shortages and addressing demographic challenges. Immigrants are overrepresented in domestic work and extra-territorial sectors, with a strong presence in construction, administration, and low- and medium-skilled positions, which are sectors in decline in the Greek economy. Nevertheless, they often take on jobs of a manual nature that Greeks avoid taking. Greece's economy has seen significant contributions from foreign populations since becoming an immigration country. From 2006-2018, migrants contributed 1.24% annually to the GDP (Damas, 2021.)

Following the Flexicurity labour strategy thinking, immigrants take on an additional role. Being a vulnerable population, they are more exploitable and can serve as a tool for disciplining other employees. Periodically, around half of the migrant population work without insurance, confirming the wide range of undeclared work in Greece. Besides undocumented migrants, there are formerly legal migrants who pass to illegality and are forced to tolerate undeclared work, as during the economic crisis many migrants could not

meet the requirements to renew their permits, as well as there are legal migrants who are forced to work this way.

As mentioned earlier, in the EU, TCNs earn 25% less income than nationals, and salary differences can be around 15-20% less than nationals. Older Migrants earn twice as much as newcomers, and the wage disparity widens as people age making them the second worst-paid workers in the OECD.

The adoption of the euro has significantly impacted the competitiveness of the periphery, leading to deindustrialization and increased consumption. The EU economic premise favours the transfer of economic power from the periphery to the core, resulting in a persistent fiscal imbalance. The EU East and South countries show lower real GDP per capita growth compared to their EU North counterparts, with the gap widening during the Eurozone crisis. The EU South, particularly, has been struggling due to the economic crisis and the export-led growth model.

Just as the ordoliberal character of the EU creates two-tier Member States, it also creates workers of various speeds, with immigrants taking on the task of filling shortage positions mainly of low and medium skill levels.

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Chapter 4. The Greek Labour Migration Legal Framework.

4.1 Greece becomes a host country

Greece became a migrant host country in the early 1990s, for foreigners mainly from the dismantled USSR, with a legal framework in place since 1929. In the 1990's migration flows gradually increased and Greece reached the end of the decade in perplexity as to how it should deal with this phenomenon.

Law 2910/2001 represents a significant change regarding labour migration in Greece as this has been the first serious effort to address the new challenges. Concerning previous institutional changes, the focus has gradually moved from managing circular migration to facilitating admission and long-term residence. Most importantly, the fundamental rights of foreign citizens were no longer backburned. The challenges arising from family reunification, the acquisition of Greek citizenship, and the admission of researchers and TCN for studies were widely discussed. However, the state's approach remained work-centric, viewing the granting of permits as a reward for migrants who are eligible to obtain them (Kapsalis and Pavlou, 2011.)

Over time, the fundamental pathogenicity of the Greek admission system rooted in the cumbersome and inefficient bureaucratic rules and the low level of cooperation between public authorities resulted in more than 75% of permits being issued for only one year (Konsta and Lazaridis, 2010).⁶ Indicatively, it was required to apply for two separate permits, a work permit and a residence permit with only one-year validity, often through a long and costly process.

Another lingering characteristic of policymaking in Greece is the a posteriori dealing with socio-political phenomena. So, instead of dealing with the roots of undeclared work and irregular immigration, the state superficially resorted to an automatic extension of the duration of permits until the end of 2002, a second extension until mid-2003, and finally, a third one until mid-2004 to avoid legal immigrants descending into illegality.

Irregular migration began as early as the massive flows of migration to Greece took root, in the early 1990s. The phenomenon was so intense that from the middle 1990's it dominated the political agenda, but in a way that signalled the state's belief that immigration would be circular. So initially, there were extensive 'broom' operations, meaning massive arrests and deportations of irregular migrants back to their countries of origin. However, irregular migration in South Europe is so intense that even though all states face the phenomenon with resentment, they are forced periodically, lacking targeted and coherent policies, to legalize irregular migrants, en masse, through amnesty programs.

In Greece, in 1997 and 2001, the state launched amnesty programs, and as mentioned above, the residence permits were extended in 2002, 2003, and 2004. But the problem persists. A major barrier to acquiring and renewing permits is the difficulty of collecting stamps,

⁶Until 2001, permits were issued for one year, with the possibility of annual renewals up to five years. After five years, residence permits for work could be issued for two years.

especially, under conditions of irregularity, where no incentives for employers to declare migrants' work exist (Kapsalis, 2008.)

4.2 Moving towards more coherent policies

In 2004, the government of New Democracy came to power and viewed the regulatory framework through the lens of political rivalry. It criticizes extending permit duration as a signal of administrative incapacity. Still, it does something quite similar by adopting law 3386/2005, which extends licenses for one year to give immigrants time to gather the required stamps for permit renewal. It targets irregularity through the legalisation of those who resided in the country until 31/12/2004 by asking for fewer means of proof for work and allowing the purchase of 150 stamps. The 2004 amnesty program was one of the most generous programs applied in Greece since almost 100.000 people out of around 500.000 irregular foreigners were legalized. The government consulted stakeholders to adopt the new laws, but it did not substantially cooperate with them throughout the whole legislative process (Kapsalis, 2007.)

The periphery and municipalities were appointed to receive, examine, and issue permits. However, they were proven inadequate to manage the increased workload. One year later, in 2006, even though 30 percent of the earnings from the permit applications were given to local authorities (KEPE, 2007), they could not decide on most of these applications (Centre of Planning and Economic Research (KEPE, 2007).

The removal of several bureaucratic processes drove experts to divide migration policy in the period before and after 2004 (Gropas and Triandafyllidou, 2009.) A decisive step towards facilitating the issuing system was the unification of work and residence permits (Maronitis, 2017). This has been an exemplary development promoted by the EU as several MSs have done the same. Another positive step was transposing the two EU directives on family reunification and long-term residency. Thus, the fact that the period of five years of residency to obtain long-term status starts in 2001 and not from the presidential decrees of 1997, which was the first attempt to legalise migrants, excluded many migrants from obtaining this status (Kapsalis, 2017.)

The law 3536/2007 is a sincere effort to correct past mistakes. It allows for the ability to redeem 20% of the required stamps per case per year for the renewal of residence permits. It also reduces the needed stamps for several categories of permits (even for undocumented immigrants.) Most importantly, a written employment contract for issuing and renewing permits for workers with a dependent employment relationship like land workers and personal home workers is abolished. In this type of work, a written contract is rarely concluded, so workers were trapped in undeclared work conditions. Equally important was extending the duration of residence permits from one to two years to allow enough time for migrants to collect stamps.

In 2009, the country entered a public spending surveillance period. The circumvention of labour rights, rapid deregulation of the labour market, and introduction of urgent legislation extend flexible forms of employment and facilitate worker layoffs. In Greece, this is accompanied by social insurance and pension system reforms that have established a 'perforated' Social Security System, which gradually abandons its former redistributive

character to favour the private sector. This has paved the way for firm-level labour agreements to substitute sectoral and collective agreements.

An upsurge of undeclared work is observed, and this period is characterized by the "de-legalisation" of thousands of migrants. Due to the economic recession, this de-legalisation phenomenon is intensified by the renewal of permits based on prerequisites set before the financial crisis (Kapsalis, 2009; Kapsalis, 2011.) Irrespective of the political party in power, the state was more preoccupied with cutting public spending than safeguarding labour rights and decent living conditions for all workers. This is reflected in the decrease in the stock of legal immigrants from 2009 to 2012. A slight increase was observed after 2014, when Greece returned to GDP growth, even though it was anaemic (see Table 4.1).

Table 4.1 Stock of Legal Migrants in Greece

Valid Permits by Reason	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
All valid permits	589.796	602.797	553.916	447.658	560.361	554.752	550.661	572.369	579.736	556.586	551.868	546.931	508.452	693.517

Source: The Greek Statistical Office ELSTAT, (2022) <https://migration.gov.gr/statistika/>

The most important development during this period was the abolition of touristic visas for Albanian citizens in 2010, which was intended to limit the volume of irregular migration. On the contrary, this abolition facilitates the overstaying of Albanian workers. This could be understood as a measure that facilitates the entry of Albanians into the country to find work. Still, in the absence of policies that combat undeclared work, it is a measure that simply facilitates irregularity.

Law 3863/2010 introduces ‘ergosimo,’ an insurance stamp, which concerns workers who occasionally work for more than one employer, usually without a contract. The Ministry of Labor refers to ‘ergosimo’ as a way of insurance "in jobs that are on the border between formal and informal economy" (ESC, 2015.) It does not necessarily correspond to one working day but may include more than just one salary, depending on the agreement between the parties. The annual contributions paid are deductible by 2/3 of the employer's taxable income and by 1/3 of the employee's taxable income. Most workers covered by ‘ergosimo’ are immigrants who work under conditions of irregularity (ESC, 2015.)

The use of stamps (or vouchers) like ‘ergosimo’ shows that there are many versions designed to either attract (skilled) labor or combat undeclared work, but always within the framework of targeted and coherent integration policies. The Greek state lacks such policies and insists on disconnecting two related issues, namely undeclared work, and the rigid framework on long-term residence (Kapsalis, 2015.)

When the prerequisite for acquiring long-term status is continuing residence for 5 years, even though legal immigrants often find it difficult to renew their permits, it becomes clear that insisting on such a strict system, both at the national and European levels, is nothing but a deliberate strategy to hinder aliens from obtaining this status. Therefore, the transposition of directives is not enough unless it accompanies and supplements coherent policies.

Law 3838/2010 granted TCNs the ability to vote and run for office in local elections. However, in 2013, the Greek Supreme Court decided that “the state's national character was compromised by granting foreigners the local voting rights that are already granted to

residents of EU member states” (Anagnostou, 2016, p. 27) The political cost has not allowed politicians to bring this issue back on the political agenda.

In 2011 and 2012, two more EU directives on providing residence permits for humanitarian and exceptional reasons and the directive on admission for highly qualified work were transposed into Greek law. Law 3907/2011 defines the criteria for granting a residence permit for exceptional reasons like residency for 7 years and strong ties with the country. It favours migrants that reside for many years in the country and due to periodically losing their legal status, they can’t pursue obtaining a long-term residence permit. Permits for humanitarian reasons are given to third-country nationals, victims and witnesses of crimes, victims of domestic violence and racism, and sufferers of serious health problems. This permit allows for rejected asylum seekers to pursue legal status. At the same time, law 3938/2011 was passed, which sets the criteria for granting permits to those needing international protection (more on these permits below).

Law 4071/2012 incorporates the Blue Card directive, but it has hardly been implemented since Greece rarely receives highly qualified labour. In 2019, it only admitted 12, and in the following years, the numbers almost remained unchanged (see Table 4.2).

Table 4.2 The Blue Cards Granted in Greece

Valid Permits by Reason	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
EU Blue Cards	:	:	:	:	:	:	12	3	12	22

Source: Eurostat (2022); ELSTAT (2022) Dataset: All valid permits by reason, length of validity, and citizenship on 31 December of each year [migr_resvalid], <https://migration.gov.gr/statistika/>

Most MSs adopt flexible admission criteria for highly qualified workers, but Greece does the opposite. For example, in most of the core and East European MSs (AT, BG, DE, FR, IE, LT, LU, LV, NL, SI, SK), the salary threshold for highly qualified workers is equivalent to 1.2 of the minimum monthly income of that country, to facilitate the admission of global talent. The threshold is higher in Greece, as in Belgium, Portugal, and Malta. EL, ES, LT, and SI were the last states to transpose the Directive. Greece lacks a migration policy to enhance growth in the long run but addresses the phenomenon from a management perspective of the populations that already exist in the country.

Similarly, the number of intra-corporate transferees admitted is low. Law No. 4332/2015 brought the EU Intra-Corporate Transferees (ICT) Directive into Greek national law. In 2020 and 2021 Greece admitted only one intra-corporate transferee, 23 in 2022 and 48 in 2023 (Eurostat, 2023.)

4.3 The turning point in the Greek Labor Migration Framework

It was not until 2014 and after the 2015 crisis that the state’s initiatives resembled more of a concrete policy instead of isolated actions targeting specific problems. Greece was running the fourth decade as a migrant host country and was called to address the challenges.

The Migration and Social Integration Code (the Code) was introduced in 2014, contributing to simplifying and rationalising the institutional framework (Migration and Social Integration

Code, 2014; Residence Permit for Humanitarian Reasons, 2014; Law 4332/2015). This, supplemented by the new National Strategy for Social Integration in 2018, set the basis for coordinated actions and initiated comprehensive strategic objectives.

Following the developments in the EU legal framework, the Code instead of prioritizing circular migration promotes integration. Practically, all holders of a ten-year permit can apply for a long-term resident's permit without proving Greek language qualifications to gradually move from the ten-year or indefinite-duration residence permits to long-term resident permits. This was facilitated by the transposition of the 2003/109/EC Directive (European Council, 2023) on the status of third-country nationals who are granted long-term residence permits. However, the process remained bureaucratic, obliging many immigrants, after the expiration of their ten-year residence permits for reasons of staying legal, to apply for regular residence permits (Kathimerini newspaper, 2019.) As shown in Table 4.3, the 10-year residence permits remain high, reflecting that Greece has been a host country for several decades.

Regarding the Long-Term Residence Directive (LTR), according to the Commission (European Council, 2019, p. 46), MSs prefer applying national schemes, as Greece did. In 2017 only Luxembourg, Austria, Italy, and Romania applied the EU LTR scheme. States prefer to hold this valuable permit, as it is related to the integration of migrants and can serve as a trigger for flows to increase. EL, PT, MT, NL, BE, FI, HR, LU, LV, and SE are the states that require 5 years to issue it; the rest require less.

Since early 2013, long-term residence permits have been the second reason for residence increasing steadily, except for the years of the pandemic. It is noteworthy that the transposition of the EU Directive has been backed by both the government and its centre-left political rival, PASOK as the challenges from a continually growing number of immigrants, left no room for further delays. During the last decade, long-term residence permits, and family reunification permits makeup around forty percent of the total permits (Triadafyllidou and Marouf, 2017.) However, for fear of provoking an anti-immigrant sentiment, the government often states that immigrants are only complementing local labor (National Institute of Employment and Labor Force, 2017, p.66.)

The average time to process applications for family reunification at the EU level is 152 days. Greece is known to take a long time to process these applications, which corresponds to the pathogenesis of bureaucracy. Until 2019, Greece has been found to delay the transposition of the Directive for Family Reunification (FDR.) However, the requirements to obtain the permit in Greece are more flexible than in countries like CZ, EE, ES, FI, HR, HU, LU, LV, MT, PL, PT, RO, SE, SI, and SK that require foreigners to pass language tests and prove integration to society (European Commission, 2019.) In 2014, the income criterion was abolished, and the holder was given full access to the labour market instantly. Additionally, it becomes possible to apply for family reunification for family members who are already in the country without a residence permit based on criteria such as the length of stay and strong family ties. Contrary to other MSs, family reunification remains the first reason for issuing permits in Greece (see Table 4.3).

Table 4.3 Valid Permits by Reason in Greece

Valid Permits by Reason	2013	2014	2015	2016	2017	2018	2019	2020	2021
All valid permits	509,769	540,096	567,669	584,652	564,608	573,883	583,070	590,234	654,306
Family Reasons	243,317	239,915	245,582	244,755	221,304	213,172	210,074	218,869	238,223
Employment Reasons	99,079	78,384	69,691	66,316	60,501	71,615	81,514	94,198	106,188
Long Term Residence	105,726	152,336	181,440	187,515	194,712	197,597	188,229	167,871	198,082
10 years-Residence	:	:	:	132.561	81.984	138.864	130.556	:	:

Source: Eurostat (2022), Dataset: All valid permits by reason, length of validity, and citizenship on 31 December of each year [migr_resvalid] (Own elaboration of data)

The fact that Greece legally facilitates the acquisition of long-term permits and family reunification permits should not be overestimated. It results from Greece being in its fourth decade as a host country, but it has only improved its legal framework in the last two decades. Despite the increase in long-term permits, this population should be larger and include part of the irregular immigrants, who were legal for years but lost legitimacy after failing to obtain the required stamps. While there are not many studies on this population, it is claimed that in 2016 of the approximately 500,000 irregular immigrants, 200,000 were former legal ones who could not renew their permits (Antigoni, 2016.)

The 2014 Code, as well as the transposition of the Directive on a single application procedure for a single permit 2011/98/EU, introduce a more decentralised governance approach, following the guidelines of the EU, to deepen the ties between immigrants and the local communities. However, the result is timid since the role reserved for the local government is mainly that of implementation of government policies. Greece, France, Italy, and Lithuania were among the last states that have transposed the directive. This directive provides transparency, facilitates the right to work, and outlines the rights of alien workers (European Commission, 2019.)

In more detail, the Code initiates the ‘one stop shop’ service, established in most of the EU states, which speeds up the issuing and renewal of permits, as it moves all procedures for issuing and renewing into one decentralised and specialised office that offers multiple services. The municipalities no longer participate in this process, as their former involvement was considered, for reasons already explained, inefficient. However, this has caused the discomfort of local communities as it represents a setback to decentralisation. Instead of financially supporting local communities to cope with the workload, an intermediate entity is created linked to the periphery, which in turn answers centrally to the Ministry of Interior in 2014 and to the Ministry of Migration and Asylum since 2023.

Most importantly, the following reforms facilitate the process and improve the migrants' relationship with the state considerably: The categories of residence permits are reduced from 50 to 20, following the EU model, while the duration of the first residence permit is extended from one to two-year and from two years to three years for the renewed permits. In particular, the number of stamps required to hold a permit is limited to 120 per year with the possibility of redemption of 20% of the total, to 150 for workers in the agricultural sector, without the possibility of redemption, and to 250 in services with the possibility of redemption of 20%. If the required number of stamps is not gathered, immigrants may claim emergency reasons like

unemployment. In another effort to prevent legal immigrants from collapsing to illegality, only the presentation of a health booklet (from 150 stamps to 50 stamps, depending on the case) is required to renew permits. Additionally, abolishing the requirement to present a written employment contract to renew permits for all sectors is a grand step ahead. This obligation shall be maintained only for obtaining a first residence permit.

However, the Code's rationale still revolves around the concept of "selectivity", which views the acquisition of permits and long-term residence status as a "reward" to the 'behaving' foreigners who have developed strong ties with Greece and not as a right to pursue a better life (National Institute of Employment and Labor Force, 2017; Kioussi, 2016.)

The migrants' children are viewed under "selectivity" too. A second-generation residence permit for five years is provided for adult immigrants who were born in Greece or have completed six classes before reaching the age of 21, under the new Code. After this permit expires, the immigrant can apply for long-term residence. These children remain connected to their parents' status, even though they recognize Greece as their homeland. The state does not view them as an organic part of society as it does not grant them citizenship from birth. If these children, who have stayed their whole lives in Greece, are sent back to their country of origin, they will find themselves in the predicament of trying to integrate into a new society.

It becomes clear that the Code prioritizes preventing the mass de-legalization of immigrants as it recognizes that the phenomenon of de-legalization is intensified due to the recession. Despite several weaknesses, the Code is one of the frameworks that links illegal migration to migrants maintaining their legal status.

4.4 A centre-left party leading the government but not a change in policies.

In 2015, SYRIZA, a centre-left party, came to power co-governing with a smaller right-wing party called Independent Hellenes.

With Law 4332/2015, the government purports to underline the humanitarian dimension of migration. It facilitates the acquisition of permits for exceptional reasons, for two years with the possibility of renewal for one, if the foreigners prove that they have developed strong ties with the country. The required residence is reduced from ten to seven years and the legal residence to five years. As already mentioned, this permit helps irregular migrants return to legality.

Law 4375/2016 transposes the 2013 EU directive on the granting of a residence permit on humanitarian grounds and creates the Reception and Identification Services. The directive targets the delegitimation of TCNs, and especially that of asylum seekers since it allows the rejected asylum seekers to apply for this permit. This becomes a priority issue as the refugee crisis has significantly increased the respective populations.

Between 2015 and 2016, the number of refugees doubled, except for 2017, when there was a slight decrease due to the 2016 EU Turkey Statement. The numbers rose significantly (see Table 4.4). According to ELSTAT, refugees in Greece were 59.216 in 2020, 61.097 in 2021, and 52.484 in 2022 (<https://migration.gov.gr/statistika/>, n.p.) Undeniably, the numbers have multiplied, making MRA's integration a necessity. At the same time, this is an opportunity for the EU to enrich the labour market.

Table 4.4 The number of Refugees in Greece

Valid Permits by Reason	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Refugees	3.468	10.292	24.831	46.411	38.988	61.446	80.454	103.101	119.650	160.761

Source World Bank (2022) <https://data.worldbank.org/indicator/SM.POP.REFG> Note: Data from the World Bank includes both refugee and Refugee-like situations.

However, the rules for the admission of refugees become stricter. SYRIZA negotiated the new bailout agreement with Greece while discussing the reception rules for newcomers. It conceded to the ‘hot spot’ approach, which fails to respect human rights (Leontitsis, et al., 2020; UNCHR, 2022). In essence, the EU and Greece entrap asylum seekers in hotspots without safeguarding minimum living standards and respecting the right to apply for asylum (Amnesty International, 2021; Human Rights Watch, 2016.)

The Directive on the conditions of entry and residence of TCNs for research and studies (SD and RD) was transposed in 2015. Greece is among the EU MSs that admit the smallest number of university students (see Table 4.5). Greece ranks 3rd from the bottom among OECD countries for students in tertiary education (3.4% of students in Greece are foreigners.) 17 Member States, among which Greece’s failure to inform the Commission of the transposition of the SD led the Commission to initiate infringement procedures against them in July 2018 (European Commission, 2019.) The lack of programs in other languages is a determining factor and a signal that Greece doesn’t invest in a comprehensive long-term migration strategy to attract global talent, as the Greek Constitution doesn’t allow teaching in tertiary education except for in Greek.

Table 4.5 Permits granted for educational purposes in Greece (Tertiary Education)

Valid Permits by Reason	2013	2014	2015	2016	2017	2018	2019	2020	2021
Education Reasons	7.595	3.742	2.397	2.196	1.915	1.929	2.188	2.920	3.560

Source: Eurostat (2022), Dataset: All valid permits by reason, length of validity, and citizenship on 31 December of each year [migr_resvalid]

Greece's performance in attracting researchers from third countries is worse. The highest number of permits to researchers from third countries was issued in 2014 (46 authorizations), before falling to 21 permits in 2019 and 13 permits in 2020. In the ranking of EU member states, Greece is in 21st place (Foundation for Economic & Industrial Research (IOBE), 2022). EL, IT, IE, LT, NL, PL, PT, RO, and SE did not have national legislation for the admission of researchers until the transposition of the corresponding directive in 2016. Most industrial states already had analogous schemes (European Commission, 2019.)

Seasonal workers are admitted to Greece every year, particularly from neighbouring countries. In 2015, Greece transposed the 2014 EU Directive on the entry and stay of third-country nationals for employment as seasonal workers. Both the EU and MSs prefer to decide the volumes of seasonal workers as they are largely low-qualified and work in the agricultural sector, construction, and tourism.

Table 4.6 Valid Permits granted for seasonal work in Greece

Valid Permits by Reason	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
seasonal work	:	:	:	:	572	839	676	14	30	652

Source: Eurostat (2023) Dataset: [migr_ressw2\$defaultview]

The above table includes only the seasonal workers admitted through ‘metaklissis’, the national recruitment process (see below). To the above numbers, the seasonal workers that fall under article 13a of Law 4251/2014 (Employment of irregularly staying third-country nationals in the rural economy) should be included. For example, only in agriculture, in 2017 it was 4.630 people were recruited for seasonal work; in 2018, 6.917; in 2019, 7.564; in 2020, 6.109; and in 2021, 9.207 (Kapsalis, 2022.)

Workers who work illegally, as well as those who are admitted as seasonal workers through bilateral agreements, should be added. It becomes clearer that even though the Eurostat numbers are low, thousands of people fall into this category, and more light should be shed on this. According to ELSTAT, land workers in agriculture and livestock in 2009 were 1.036.524 (ELSTAT, 2009). In 2016, they increased to 1.196.267 (ELSAT, 2016), many of which are migrants. Even though the exact number of workers employed in sectors characterised by seasonality is difficult to calculate, it becomes clear that seasonal workers are much more.

SYRIZA has granted a ten-year residence permit to all immigrants in Greece since January 2006, aiming to combat irregular migration, but this solution does not address the root causes of the phenomenon. Nevertheless, this is the first time that a permit has been given for such a long period. Additionally, if the posts for land farmers are not filled, the farmer can ask for permission to employ irregular immigrants.

Noteworthy is the fact that the number of permits for exceptional reasons issued is higher than other permits reflecting the high number of undocumented foreigners and the need for this phenomenon to be addressed seriously as exceptional mechanisms like amnesties and parallel to the ‘metaklissis’ processes (see below) are not adequate.

Table 4.7 Permits Granted for Exceptional Reasons in Greece

Valid Permits by reason	2016	2017	2018	2019	2020	2021	2022	2023
Permits for Exceptional Reasons	26.996	24.681	22.161	25.135	:	:	:	:

Source: Source: ELSTAT (2023) Available at: <https://migration.gov.gr/statistika/> (Own elaboration of data)

L. 4387/2016 extended the scope of ‘ergosimo’ to cover the agricultural sector. The law provides that social contributions for the agricultural sector are set at 10% of the remuneration. The land workers must have worked for at least 150 days during the previous twelve months to be insured for the year. If the remaining contributions are not sufficient, the worker can pay for the rest of the stamps. However, ‘ergosimo’ fails once more to tackle undeclared work, partly because the state has failed to monitor the labour market (Hatziprokopiou and Markova, 2015.)

The posted workers in Greece are mainly middle—and low-qualified workers in construction, particularly public works. The EU Directive on the posting of workers is an old directive that was transposed into Greek law in 2000. As already mentioned, the EU directive refers to equal remuneration rather than equal pay, opening a window for the exploitation of posted workers. Posted workers are affiliated with an employer in an EU or third country that lends these workers to an employer in an EU MS. The first employer bears all obligations, meaning they pay salaries and insurance contributions based on the third country's laws. Posted workers in 2015 were 622 in 2016, 979, and 916 in 2017. Nearly 60% of posted workers in Greece are from Bulgaria, Serbia, Switzerland, and the United Kingdom (Triandafyllidou and Gemi, 2018.) There is a risk that the worker will be treated differently to the nationals. This permit is valid for 3 years, and the employee can be treated unequally for a long period. With Law 4254/2014 on the growth of the Greek economy, the requirement for a special permit to establish companies for posting workers was abolished, allowing any natural or legal person to operate such businesses.

Law 4387/2016 stipulates that immigrants and natives earn pension rights after 20 years of employment and 40 years of lawful permanent residence. Under prior legislation, after being insured for 15 years, all covered individuals were entitled to the minimum pension. Many migrants were not eligible for pension even then because they couldn't prove 15 years of legal employment, regardless of residing in Greece for that long. Under the new law, for 20 years of employment, the total amount of the pension is € 414 gross; after that, the amount is lowered by 2% per year until it reaches year 15. These amounts are too low to allow people to lead a dignified life. Under the new law, those unable to meet the minimum retirement standards may apply for the Social Solidarity stipend for Uninsured Elderly, a revocable allowance. Immigrants are eligible to receive this allowance for a maximum of 15 years of lawful residency, of which at least 10 must be continuous. Still, most migrants are unable to meet these requirements.

Asylum seekers do not attract the same attention from the policymakers. SYRIZA has given in to the EU demands to make asylum procedures more difficult. By court decision, asylum seekers may be expelled even if their final appeal to a court is not concluded. Their ability to obtain humanitarian permits is also restricted if they have already spent years in Greece. An urgent, fast-track asylum application procedure of 14 days is introduced, while it also provides for the possibility of detaining applicants for up to 25 days. As shown in the following table, asylum seekers are increasing significantly every year. From 2014 to 2019, the number of asylum seekers nearly doubled, and after the pandemic, their numbers have risen.

Beneficiaries of international protection and asylum seekers are recognised as a pool of young workers is particularly useful for the European market that needs labour. Those in Greece who are not TCNs eligible for asylum can apply for humanitarian reasons and subsidiary protection. Both the 2014 and 2023 Codes provide for the recognition of subsidiary or international temporary protection, a status granted to foreigners who do not qualify as refugees, but there are substantial grounds for believing that if returned to their country of origin, they risk suffering serious harm. As shown in Table 4.8, these permits increase gradually, more than those given for humanitarian reasons. However, as will be shown later, the 2023 Code becomes stricter towards irregular migrants. Asylum seekers are

no longer eligible to apply for a humanitarian permit, and there is no information on this type of permit from the Ministry of Migration and Asylum after 2020.

Since 2018, the public employment service has allowed the registration of beneficiaries of international protection, asylum seekers, or holders of subsidiary protection status. Even though this has been quite delayed, this is a positive step that enhances their integration into the labour market. SYRIZA, on the one hand, indulges in policies such as 'hot spots' and makes it difficult to obtain refugee status; on the other hand, it tries to manage the huge volume of asylum seekers by making it easier for them to obtain residence permits.

Table 4.8 Permits Given for Asylum, Subsidiary, and Humanitarian Protection in Greece

Valid Permits by Reason	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Asylum Seekers	:	7.585	11.370	49.875	56.940	64.975	74.910	37.860	22.660	29.125
Subsidiary Protection	:	:	:	250	1.088	2.667	4.157	8.512	4.661	:
Humanitarian Protection	:	:	:	1.483	1.354	1.444	1.421	:	:	:

Source: Eurostat (2022), ELSTAT (2022) Dataset: All valid permits by reason, length of validity, and citizenship on 31 December of each year [migr_resvalid], <https://migration.gov.gr/statistika/> (own elaboration of data)

Governments frequently participate in expensive, time-consuming, and unnecessary activities and base their political decisions on competition. For instance, in 2016, the Ministry of Migration and Asylum was built from SYRIZA but did not obtain a central role or be involved in policymaking. In July 2019, New Democracy closed it and reopened it by the same government in 2020 instead of simply reforming it.

Law 4531/2018 changes the conditions for obtaining Greek citizenship. While the administrative procedure is simplified, the time required to reside in the country for the acquisition of citizenship is increased from 7 to 12 years for all residence permits except for those that hold 10-year residence permits, 2nd generation immigrants, refugees, persons with subsidiary protection status, and permits for humanitarian reasons, where the required residence remains 7 years. It allows all holders of residence permits, except seasonal workers, to obtain citizenship. Thus, increasing the required residence years slows down the effort made in the previous years to shift the legal framework towards long-term residence.

4.5 The New Code of Migration

In 2019, New Democracy won the elections again and was called upon to deal with the heavy burden of the pandemic. Migration policies and improving asylum policies become secondary issues and are left on the backburn of the agenda. Only a series of amendments to the 2014 Code provisions have followed, which reflect a strict shift to migration policy. In 2019, procedures that simplified the granting of Insurance Numbers (AMKA) to migrants, applicants for international protection, and refugees were revoked.

The new Immigration Code (N. 5038/2023) was adopted on March 29th, 2023, in the post-pandemic era. Thus, there was an extremely short consultation period, whereas the law

requires a minimum of two weeks for the consultation on new legislation to take place unless there is an emergency. This emergency should be justified with proper documentation, which has not happened. The short consultation period dealt with critical issues rather sloppily and superficially.

The focal point of Migration Policy becomes the Ministry of Migration and Asylum (MOMA), which is the Ministry that sets migration policies. In 2014, the decentralised authorities (one-stop shops) hosted the services for granting permits. In 2023, this role was appointed to the MOMA to alleviate the peripheries since they lacked trained personnel to undertake this task. However, it should be highlighted that this development has acted as an obstacle to further decentralisation as it limits peripheries and municipalities from implementing government policies. Moreover, the fact that the decentralised administration is under the central government's jurisdiction and not the local administration hinders the effort for further decentralisation.

The Central Committee for the Simplification of Procedures (2008) drew the authorities' attention to the large number of residence permit categories which complicated and prolonged the process of issuing. Progress in this area has been minimal. The permit categories remained seven in 2014, and the sub-categories merged from 31 to 28. In contrast, the 2023 Code initiates 10 categories of permits and further complicates the process by increasing the sub-categories of permits. This highlights the government's intention to centralise governance further. The cash fees charged for applying for and renewing residence permits have remained steadily high for the past ten years (synigoros.gr, 2014). However, "their height can be considered excessive because the vast majority of immigrants belong to low or very low-income groups" (Central Committee for the Simplification of Procedures, 2008, pp. 8-12).

In 2023, an important step was taken to strengthen long-stay residences. The duration of the initial residence permit is set from two to three years, with the capacity to be renewed for three years. At the same time, the second-generation residence permit is set from 5 years to 10 years. The granting of long-term resident permits is disconnected from the condition of proving sufficient knowledge of the Greek language, Greek history, and culture, and most importantly, the income requirement is reduced. Family members of long-term residence holders instantly acquire long-term status. In addition, the revocation of the permits compared to 2014 takes place after two years of absence from the country instead of ten months. The new Code, for the first time, allows immigrants to change to other categories of permits provided they find a job in Greece.

Correspondingly, the ten-year residence permit is given to foreigners who were born in Greece or have completed six classes of Greek school before reaching the twenty-third year of age or who are adults who entered Greece as unaccompanied minors and have completed at least three classes of Greek school before reaching the twenty-third year of age. It should be highlighted that Greece was the only European country that did not offer the status of long-term residence to second-generation immigrants, treating these children like first-generation temporary immigrants (Gemi, 2013.)

Table 4.9 Second-Generation Permits Granted in Greece

The sum of permits in December of every year	2016	2017	2018	2019
Second Generation Permits	35.713	31.497	28.847	24.248

Source: ELSTAT (2023) <https://migration.gov.gr/statistika/> (Own Elaboration of Data)

Perhaps one of the biggest setbacks that took place during this period was the abolition of Article 13 A of the previous Immigration Code, which provides that if the jobs offered by the state for work in the agricultural economy are not filled, the employers can exceptionally apply to employ irregular immigrants. By law 4825/2021, the article was repealed. It should be recalled that for decades, the agricultural economy relied on the existence of irregular workers due to the absence of local labour.

In derogation from the recruitment process, the Minister of Migration in 2023 extended the exceptional procedure of Article 16 of law 4783/2021 until the end of 2023, according to which an employer can recruit TCNs through an online platform, to address farming emergencies, even though several irregular immigrants already reside in the country. The labour market requires more immigrants, as current regular and irregular residents are insufficient to address shortages. Therefore, it is strange that the law allowing irregular immigrants to be recruited is repealed. The political cost seems to count more than the coherence of policies. These migrants can stay for three months, with the possibility of an extension of three months or more, for a rather short period and it mainly concerns seasonal workers from Albania, Bangladesh, and Egypt.

The residence permit remains as it stands in the new Code for exceptional reasons. However, the Code provides that the period of asylum examination, which in many cases exceeds two years, will not count as proof of seven years of residence to obtain the specific permit, as was the case until now. Consequently, it is difficult to obtain it, which was one of the few procedures in the Greek legal framework that facilitated the legalisation of irregular immigrants. Since 2020, rejected asylum seekers cannot apply for a permit for humanitarian reasons, not even the rejected asylum seekers. These individuals without legal status or papers often work illegally to make ends meet, highlighting the state's tolerance and generation of illegal activities.

Most MSs regulate the admission of investors at a national level. Both the 2014 and 2023 Codes provide for the admission of TCNs who would like to invest in Greece (from 500.000 Euros) and for up to 3 to 10 employees to realize the investment and for TCNs that would like to buy real estate in Greece of 500.000 in the prefectures of Attica, Thessaloniki, Central Macedonia and the islands of Mykonos, Santorini and South Aegean (250.000 for the rest of the country). The application is submitted to the Greek consular authority of the place of residence and then forwarded to the Ministry of Development and Investment, for its opinion on the feasibility of the investment. Notably, for issuing and renewing these permits, the authority responsible is the General Secretary of the Decentralised Administration to facilitate the process and support growth. These permits can lead to the granting of citizenship (after seven years.)

Greece is one of the few states that require a low amount of money invested in real estate to acquire an investor's visa or else a "Golden Visa". Spain asks for 500.000 Euros and Italy for

2 million Euros. Greece is also the only country that does not require a minimum stay for Golden Visa holders. Until 2019, approximately 13.000 “Golden Visa” permits were issued for the investors and their families, around 300.000 Euros on average (General Secretary of Migration Policy; Stergiou, 2019.) However, Greece is one of the few MSs that do not provide incentives for TCNs that would like to open SMEs.

The new Code focuses on solving practical issues for people who reside legally in the country but is more hostile to irregular workers. At the same time, a setback is observed as decision-making and policy implementation are re-concentrated at a central level.

4.6 The calling of foreign workers

The ‘metaklissis’ process has been the main process for recruiting migrants since 2007. ‘Metaklissis’ was simplified under the 2014 and 2023 Codes. It is hard to imagine that in 2008 it included 18 distinct steps involving numerous public administrative levels ranging from the municipality and the peripheries to various ministries, taking more than a year to finish (Ministry of Internal Affairs, Central Simplification Committee Proceedings, 2008, p. 27.) The 2023 Code determines the volume of admissions at the end of every year (every two years before), and even though the process is further simplified, ‘metaklissis’ remains highly bureaucratic and still takes more than six months to finish. Considering the complex paperwork for both employers and employees for issuing residence permits, the total process until the migrants receive their permits exceeds twelve months.

The ineffectiveness of the process is reflected in the fact that the state often resorts to parallel recruitment processes through bilateral and multilateral agreements with third parties. Niger, Nigeria, Senegal, Mali, Ethiopia, Lebanon, and Jordan are some of the countries that the EU has signed mobility partnerships and readmission agreements. Greece is calling for extending these agreements to countries from Asia, such as Afghanistan and Bangladesh (Hellenic Republic Ministry of Foreign Affairs, n.d.). Under the EU Mobility Partnerships, the EU has signed mobility partnerships with all Western African and Middle Eastern countries, including Libya and Syria. In 2017 under the European Neighborhood Policy (ENP), a mobility partnership was signed with Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Syria, Tunisia, and Ukraine. These agreements usually concern seasonal workers and are often combined with trade agreements so that third countries are coerced to abide by the readmission provisions and accept migrants back after their contracts are concluded, as well as irregular immigrants. In many cases, highly qualified workers are also encouraged to apply.

In 1984, the Greek-Egypt migration agreement was signed to admit Egyptians who work as fishermen in Greece (European Network for Migration, 2010, p.30.) Training programs are often organized for prospective Egyptian fishermen. In 2023, Greece and Egypt ratified a new agreement on the employment of seasonal workers in the agricultural sector, including recruiting 5,000 land workers.

The 1997 migration agreement with Albania granted work permits to seasonal workers who wanted to work mainly in the agricultural and construction sectors (ibid, p. 29-30.) Nevertheless, irregular migration from Albania persisted, especially after the 2010

liberalization of visas for Albanian tourists, which deemed the process of “metaklissis’ de facto inactive (Gemi, 2013, p. 27; metoikos.eu.eu, n.d.). In 2021, the government concluded a new agreement with Albania to legitimize irregular Albanian workers. Under this agreement, they could work as seasonal workers for nine months, after which they were required to return to Albania.

Under the same rationale, in 2022, the government reached an agreement with Bangladesh to legitimize Bangladeshis in Greece and admit new seasonal workers. The agreement granted temporary residence permits, valid for up to 5 years, to Bangladeshis who work for 9 months in Greece and then return to their country, a condition difficult to fulfil. The government is currently negotiating similar agreements with India and Pakistan.

These are parallel recruitment to ‘metaklissis’ processes that generate mass temporary legalisations and admission of workers with limited labour rights. This selectivity, which characterizes the Greek response to labor shortages, keeps migrants trapped in a regime of temporality and inferiority. The parallel processes were often implemented in response to emergencies. The recent pandemic was the turning point when these mechanisms became mainstream.

Greece has signed bilateral social security agreements with Argentina, Australia, Brazil, Canada, Egypt, Libya, Moldova, New Zealand, Ontario, Serbia, Syria, the USA, Uruguay, and Venezuela. This ensures the social security protection of workers and the assimilation of rights in the event of transfers of workers' residence or works to the territory of the other state and the aggregation of insurance periods completed in the insurance of both contracting states, both for entitlement and the calculation of benefits, and the charge borne by each State in proportion to the period of insurance completed there. Although about half of the immigrant population is from Albania, Greece has not signed such an agreement with this country, so the citizens of this country are not protected adequately.

The issued permits leave immigrants in limbo, somewhere between illegality and legality (GNCHR, 2020). The weaknesses of the ‘metaklissis’ become the justification for the extension of these exceptional processes. The State favours employers by maintaining an inhumane form of work with permits only issued for a small period (The National Union of Agricultural Cooperatives ETHEAS, 2023) Employers support that only the minimum wage is guaranteed, but this is beneficial for aliens as the minimum wage in Greece is much higher than in countries of origin like Egypt (ETHEAS, 2023.) It is important that despite these parallel processes, the admitted and legalized migrants, ‘clearly do not meet the needs of the agri-food sector, which are significantly higher”(National Interprofessional Table Olive Organization DOEPEL, 2023).

According to Article 13 A of the 2014 Code, employers may occasionally submit applications for the hiring of TCNs without documentation if the state's open positions in the agricultural economy are not filled. However, by law 4825/2021, this opportunity was repealed. So, instead of recruiting irregular immigrants who already reside in the country, an exceptional procedure, Article 16 of Law 4783/2021, is initiated that permits an employer to hire foreign workers through an online platform to address farming emergencies. It is peculiar that the hiring of undocumented immigrants has been overturned, even though there is a need for more workers.

4.7 Equal Treatment and the differences between foreign workers and nationals

The principle of equal treatment is engulfed in the EU labour legal framework and is incorporated into the national legal framework. At the Community level, this principle is heralded as the basis on which the EU premise is built, and it refers not only to equal treatment among EU citizens but also among aliens and EU citizens. However, in the ordoliberal EU context, workers of various speeds are created that incur labour exploitation, with migrants being at the bottom rung in the labour market.

According to the Code (2023, p. 4160), workers holding a single permit enjoy equal treatment with nationals on the following:

- Work anywhere in the country.
- Social security and pension rights.
- Access to tertiary education and vocational training, including study grants.
- Conditions of employment, including minimum age for work, pay and dismissal, working hours, leave and holidays, health, and safety at work.
- The right to strike, freedom of association, the participation in labour unions and professional organisations.
- The recognition of professional diplomas, certificates, and other evidence of formal qualifications.
- Tax relief and social benefits.
- Access to public goods, services, and housing.

While labour laws in Greece do not distinguish between domestic and foreign workers, foreigners are obliged to shoulder greater burdens as they are required to prove their right to work.

First and foremost, labour rights in the case of TCNs are directly linked to the residence status since lacking the required documents, foreigners are trapped in an irregular status that deprives them of basic rights. While for Greek workers, it is enough to conclude a contract with an employer, immigrants are obliged to prove that they are entitled to work, through time-consuming and costly procedures to acquire/renew permits; permits can be revoked if certain requirements are not met, even for long-term residents. Greece's social security benefits are not based on housing, and health benefits are only available after insurance days, therefore connected to work. Both Immigration Codes (2014 and 2023) provide health services immediately after entering the country and starting employment.

Full access to all types of employment (remuneration, independent economic activity) is provided for nationals but only for TCNs with ten-year residence permits, long-term residents, Blue Card holders, and family reunification permits' holders. Nationals can work in any industry, employer, or profession, but immigrants must stay in their permit-specific specialty for one year, increasing their employer dependency. Foreigners with permits for studies and volunteer work, cannot do this even after one year of residence. Since 2023, students are allowed to remain in the country for one year, after the completion of their studies, to search for a job.

It is important to note that in situations where there is a shortage of domestic labour, immigrants are considered for employment. Immigrants are often not accepted to work in

public services, army, judicial positions, and are denied geographical residency in certain parts of Greece, resulting in a securitised perspective that views immigrants as a threat.

After one year, the employment contracts become indefinite from fixed terms. Even though this applies to immigrants too, this happens rarely, as immigrants are constrained from the expiration of their permits (2 years for normal permits and 3 for renewed permits), while for some categories permits last less or equal to one year. Migrants face unfavourable conditions, as they are placed in lower positions, causing increased precariousness and insecurity, and lacking rights like compensation in case of dismissal (Kapsalis and Kouzis, 2014, pp. 156-174).

Since 2014, the requirement for a written employment contract for permit renewal has been abolished, but this condition is still required for the first residence permit, indicating legislators' intention to maintain strict rules and differentiate between newcomers and older migrants. In certain sectors like agriculture, job agreements are typically finalised orally between workers and employers. Certain categories of workers such as researchers staying in the country for less than 6 months do not have access to social security, family benefits, and unemployment benefits. Seasonal workers have access to social security and health care, but not unemployment or family benefits.

After 20 years of employment and 40 years of valid permanent residence, both immigrants and nationals are eligible to receive the minimum pension. Previous laws guaranteed all covered individuals the minimum pension after 15 years of insurance. Even under the previous laws, many migrants were ineligible for pensions because they were unable to provide proof of 15 years of continuous employment, despite having worked in Greece for decades. Since 2016, workers who don't meet the requirements for minimum retirement can apply for the revocable Social Solidarity stipend for Uninsured Elderly. For a maximum of 15 years of valid residency—of which at least 10 must be continuous—immigrants are eligible to earn this allowance. However, many migrants still fall short of these standards. Both citizens and immigrants suffer because of this reform, as it is difficult to acquire the required stamps, under conditions of economic recession.

Both Greeks and foreigners have the right to education. However, immigrants are constrained by the fact that many of the corresponding educational programs are offered only in Greek. Moreover, for TCNs, even for highly skilled workers education, scholarships, student loans, and vocational training should be linked only to their specialty. Refugees are restricted from attending vocational training during the period they maintain their international protection status and asylum seekers are not often considered for these programs. Counselling is one of the services offered to TCN and Refugees; however, it is not available for asylum seekers.

In the 2023 Code, the use of phrases like “at least equal to the wages of the unskilled worker”, and an employment contract where “the gross annual wage is not below the national minimum wage for highly qualified employment” for highly qualified workers indicate the state's intention to interpret the corresponding European directives strictly, to favour the employer. Instead, it could have used wording like “earnings equal to those of nationals employed in similar jobs.” However, it chooses to refer to minimum wages, enabling the employer to negotiate and pay the minimum wage for that position, regardless of qualifications. Once again, it becomes clear that the recruitment of immigrants is not based

on qualifications only but on a demand-based system of admission that focuses on the needs of the market.

Irregular immigrants and workers in undeclared work are excluded from all previous rights and benefits. Indicatively, for irregular immigrants the legal framework does not treat remuneration as salary but as compensation (Mentis, 2014, p. 396-400.) This means that workers who claim their accruals can only claim remuneration and not the benefits that would be provided if an employment contract was concluded. Irregular immigrants are thrown on the back burner as according to the 2014 Code, the transaction of irregular immigrants with public authorities is prohibited, except for transactions with health services.

4.8 Comparison between different categories of foreign workers.

Although equal treatment is provided for all workers, different categories of TCNs are treated differently by law. Numerous exceptions to equal rights, benefits, and privileges, create workers of different speeds with different rights (see table 4.10.)

Table 4.10 Differences in terms of legal treatment between different categories of foreign workers

Differences between different categories of migrants								
Categories of Migrants	Duration of first Permits	Mobility	Long-Term Residence	Citizenship	Family Reunification	Social Security, Family Benefits, Unemployment Benefit	Access to Vocational Training, Counselling and grants	Access to health care
Investors	5 years	Free	Yes	7 years	Yes	Yes	Under the same conditions with nationals	Yes
Blue Card holders	2 years	Short/Long Term Mobility	After 2 years	12 years	Yes	Yes	Restricted to their Specialty. No grants allowed	Yes
Intra-Corporate Transferees.	2 years	Short/Long Term Mobility	After 5 years	12 years	Yes	Yes	Restricted to their Specialty. No grants allowed	Yes
Researchers	Corresponds to the Duration of the contract	Short/Long Term Mobility	After 5 years	12 years	Yes	Yes	Restricted to their Specialty. No grants allowed	Yes
Students	Corresponds to the Duration of their studies	Short/Long Term Mobility	After 5 years	No	No	No	Restricted to their Specialty. No grants allowed	Yes
Seasonal Workers	9 Months	No	No	No	No	No	Restricted to their Specialty. No grants allowed	Yes
Beneficiaries of	1 year for Refugees.	No	No	7 years	Yes	Restricted	Restricted	Yes

Table made by the author

Investors are the most favoured TCNs due to their potential to boost economic growth, allowing them to reside for five years and renew permits for another five years. This permit can lead to citizenship after seven years, even though the required time for most migrants is 12 years. Mobility has always been a sore point in discussions about migration because countries prefer restricting it for fear of the migrants overstaying in the territory. However, investors are the only foreigners who are allowed to move freely between the Schengen countries. Greece is the only EU country that does not require a minimum stay for Golden Visa holders. What is noteworthy is that for the issuing and renewing of the residence permits of investors, the responsible authority is the General Secretary of the Decentralized Administration to facilitate the process as much as possible. For the completion of the investment, up to ten foreigners are allowed to be admitted and reside in the country.

Highly qualified migrants are the most favoured among foreign workers. Even though Greece rarely admits highly qualified immigrants, the issuing and renewal of their permits has been

facilitated and since 2023 it has become easier even for other permits to change to Blue Cards (visa-free status, students, and intra-corporate transferees). The validity of the permit is for two years. The 2023 Code allows for beneficiaries of international protection to change their permits to Blue Card if they wish, something which reflects the need for talent.

From 2023, Blue Card holders can obtain a long-term residence permit, when they renew their cards, even though, they have not completed 5 years of consecutive residence in the country. The holder of the EU Blue Card who has made use of long-term mobility may accumulate periods of residence in different Member States of the EU to reach five years of legal residence to acquire citizenship. Highly qualified workers (Blue Card holders, researchers, intra-corporate transferees) can make use of long and short-term mobility in the EU, meaning they can move to another MS for more than 90 days in any 180 days (long-term mobility) or less than 90 days in any 180 days (short-term mobility). After twelve months, the Blue Card holder in another MS can reside and work in Greece in highly qualified positions (18 months in the 2014 Code.)

Family members of highly qualified workers, investors, intra-corporate transferees, and researchers have the right to work as soon as they obtain their permit or become self-employed without issuing a separate residence permit (initiated with the 2023 Code.) Moreover, family members of Blue Card holders can open a business. One fundamental obstacle in labour market integration, for all migrants and highly qualified workers, is the recognition of foreign skills and qualifications, which is time and money-consuming because Greece has one of the strictest and most expensive systems of recognition of degrees and qualifications in the EU.

The 2014 Code stipulated that prospective Blue Card holders should conclude a contract of at least one year and be paid at least 1.5% of the average gross annual salary in Greece. The new Code reduces the length of the contract to six months but raises the salary threshold to at least 1.6 of the average annual salary in Greece. Greece follows a different stance compared to other MSs as instead of reducing the average income threshold for skilled workers to 1.2 of the average annual wage (according to the corresponding directive) it increases it. This excludes many immigrants, who could have been included in the Blue Card Scheme and enjoy more benefits.

The Blue card can be withdrawn when the holder has accumulated a period of unemployment of more than three months for a permit of less than two years, and a period of unemployment exceeding six months for a Blue Card of at least two years. With such short periods of unemployment allowed, especially in times of economic crisis, it is hard to imagine how equal treatment between Blue Card holders and nationals is respected.

The importance shown by Greek law to intra-corporate transferees arises from the fact that while there was no separate permit for them in the 2014 Code, a separate permit was provided for them in 2023. The influence of European legislation is evident as the legal framework improves even if the number of intra-corporate transferees in Greece is small but rising. The holders are granted a residence permit for two years, which is renewed for three years, while intra-corporate transferees can apply for a Blue Card. However, even though, the remuneration should be equal to nationals in similar positions, as for the rest of workers, equal treatment is limited to the minimum wage foreseen for these positions. Family reunification, as well as short and long-term mobility, is provided for this category too and

they can obtain citizenship after 12 years of residence. Intra-corporate transferees are typically subject to the host country's social security scheme, but Member States have discretion in this matter.

The duration of the permit for research is equal to the duration of the contract and it can be extended if the contract is extended. Researchers are entitled to family reunification and short and long-term mobility. Long-term mobility from other MSs is allowed for researchers to conduct their research in Greece (only short-term mobility in the 2014 Code). It should be highlighted that the 2023 Code allows for researchers to stay in Greece for one year to search for employment, something which shows the desire of the Greek state to keep highly qualified workers.

TCNs admitted to Greece for studies are allowed to work part-time. The duration of their permit should cover their studies, while a fast-track procedure for granting residence permits is foreseen for postgraduate students. As for researchers, after completing studies or research, they can stay in Greece for one year to search for employment. According to the 2023 Code, they can change their permit to Blue Card after they finish their course or set up a business. However, the change of permit is not allowed during studies. Short and Long-term mobility is allowed if it is linked to their studies. The students, as students cannot obtain citizenship, because they can't fulfil the income requirement by working part-time. They don't have the right to family reunification.

Seasonal workers who are usually employed in low-skilled positions, are the most neglected by the legal framework. Although the provisions for them are improved, they are far from satisfactory. The seasonal worker is allowed to stay in Greece for nine months of work (six months in the 2014 code.) However, the framework exhausts its severity on these workers since they must leave the country immediately after the completion of their work or they are not allowed to re-enter for five years. Since 2003, an employer has been allowed to hire an employee for five years, for 9 months each year, to facilitate the reception process. However, workers do not consolidate important labour rights such as unemployment benefits, family allowances, or the conversion of the contract to indefinite as they stay for less than a year.

Family reunification is not provided, meaning that people are deprived of their families for months. They access the labour market exclusively to provide specific work. Seasonal workers cannot change their specialty during their stay. Even though they are allowed to change employers this is a rather difficult task as they are significantly dependent on their employers because in many cases they stay under their premises. Short or long-term mobility is not allowed for them. The migrants can attend vocational training but only for their specialty. They are excluded from social benefits like welfare benefits, disability allowance, and housing allowance. The period of work cannot be counted for access to long-term resident status, nor the granting of a residence permit for exceptional reasons or citizenship. This along with posted workers are the only categories still addressed, under the prism of circularity.

A reference should be made to posted workers, even though, they often are not subject to the same rights as the employers of the state. Posted workers are employed by a company that is situated in third countries or another EU state. The agreement between the employee and foreign employer involves all responsibilities, including pay, leave, insurance, and redundancy compensation, falling on the first employer in the third country, while the third

country's regulations may be lower. Posted workers are treated unequally for a long period because this permit can last as far as 3 years.

While it is not the purpose of this thesis to analyse the status of beneficiaries of international protection, subsidiary protection, exceptional protection, and asylum seekers, it is helpful to refer briefly to these categories, as the way they are treated by the Codes illustrates the state's desire to integrate them into the labour market. Refugees and beneficiaries of international protection are automatically entitled to enter the labour market, as well as to engage in independent economic activity. The Greek law, for beneficiaries of international protection, recognizes rights like EU citizens and Greek citizens. The duration of the permit is for one year and is renewed for 2. However, even though, refugees are entitled to all the benefits and allowances provided to nationals the beneficiaries of international protection continue to be excluded from various social benefits, welfare benefits, disability allowances, and housing allowances and they are not given mobility rights. What should be pointed out is that while asylum seekers previously could work after one year, since 2023 they can work after six months, in an effort for this valuable pool of labour to be integrated into the labour market; their numbers are increasing considerably every year. Asylum seekers can participate in vocational training, even though not that many relevant projects accept them. However, beneficiaries of international protection don't have any legal options for mobility, something which means that secondary movement is frequently regarded as irregular.

The residence permit for exceptional and humanitarian reasons is valid for 3 years. The residence permit for humanitarian reasons is given to victims and witnesses of crime, victims of domestic violence, victims of racist crimes, sufferers of serious health problems, victims of accidents at work, those attending a legally approved mental treatment program, as well as third-country nationals who, at the risk of their lives, committed acts of humanitarianism. It has been one venue to legalize irregular immigrants, something which is no longer allowed since 2021. To tackle undeclared work a residence permit is granted for exceptional reasons to immigrants who have resided in the country for at least seven consecutive years and can prove that they have deep ties with the country. These permits allow TCNs to both work and engage in independent activities.

A way to integrate foreigners who applied for asylum but were rejected is to apply for subsidiary protection that allows them to work and engage in independent economic activities. A beneficiary of subsidiary protection is a foreigner who does not meet the conditions to be recognised as a refugee, but if returned to their country of origin they risk serious harm. The permit is valid for one year and is renewed for 2 years. The beneficiaries of international protection are excluded from social benefits like welfare benefits, disability allowance, and housing allowance.

Law 4531/2018 increases the years for obtaining citizenship from 7 to 12 years except for those that hold 10-year residence permits, second-generation immigrants, beneficiaries of international protection, immigrants with subsidiary protection status, and permits for exceptional and humanitarian reasons.

Equal treatment is subject to many exceptions for different categories of TCNs, which makes it difficult to establish a safe regime for foreign workers. The framework creates workers of various speeds, with limited labour rights, exploitable for politicians, employers, and centres of power.

Conclusions

Greek policies for legal labour migration are based on the element of selectivity, which focuses on the concept of the useful and “worthy” migrant in the labour market. Obtaining a residence permit is perceived by policymakers as the coveted permit that is granted only when the foreigner behaves appropriately and earns it. It is not perceived as a right for foreigners in a difficult situation. Greece implements a work-centric and selective framework, in perfect harmony with the quintessential EU constitutionalism, the European labour migration strategy, and the Flexicurity strategy.

The dependence of the migrant on the employer is indisputable. Firstly, the state sets, rather arbitrarily, the maximum number of TCNs recruitments in the Greek labour market, based on the applications submitted by employers. Secondly, migrants depend to a large extent on the goodwill of their employers. They have been required to submit a written employment contract to acquire a residence permit and submit a certain number of stamps to renew permits, thus incurring the responsibility of proving that he/she “deserve” to acquire a permit. The obligation to present a written contract to acquire a residence permit served over time as a factor of “delegitimization” of immigrants as many immigrants worked in sectors where the oral employment contract was the rule. However, as of 2014, the abolition of a written employment contract in certain sectors has been helpful but the number of stamps required for the renewal of permits is high and often hinders migrants from renewing their permits.

The residence and work permit run concurrently with the duration of the employment contract. For some immigrant categories, primarily low-skilled, there is no provision for changing employers during the legal residence period or for some time after the contract/residence permit expires to find another job. As already mentioned, the phenomenon of undeclared work is intense in the Greek labour market, with the risk that the employer will not choose to declare the migrant. As will emerge later, state control over employers is tenuous, which makes migrants' dependence on employers even greater.

Thus, under the ordoliberal umbrella, a legal framework is formed in Greece that assigns different rights to different categories of foreign workers. Thus, the various categories of highly skilled workers, especially Blue card holders, are treated more favourably, and seasonal workers and posted workers are treated less favourably. The difference in rights fluctuates to such an extent that seasonal workers are not recognized for the right to family reunification and people are forced to be deprived of their family for 9 months or even years if they return to Greece to work every year. But even the highly skilled labour can secure only the minimum wage for highly skilled workers and not equal payment with citizens, who are paid differently and are not subject to restrictions such as mobility restrictions and denial to change their specialty.

Governance of labour migration issues remains centrally planned. In 2005, the periphery and municipalities were appointed to issue permits but this was repealed in 2006 due to workload issues. In 2014, a 'one-stop shop' service was introduced, moving permits issuing and renewal at the periphery, to decentralize the governance system. However, in 2023, governance shifted back to the centre, to the Ministry of Migration and Asylum, making processes more complex and bureaucratic again.

It is noteworthy that all governments, without exception, adopt and implement similar policies and tactics. The only notable difference is that centre-left governments placed more emphasis on legitimising irregular migrants, while centre-right governments, ignoring many irregular migrants, became more punitive towards this population but made it easier for legal migrants to live. Centre-right governments adopted more laws for the social integration of legal immigrants than others, while centre-left governments made the system of granting permits to refugees and asylum seekers even more bureaucratic.

Ordoliberalism's aversion to democratic processes is well known. TCNs were eligible to vote and run for municipal office, according to Law 3838/2010. But in 2013, the Greek Supreme Court ruled that allowing TCNs to exercise local voting rights violated the state's national character and the law was repealed.

On the other hand, the EU labour migration law improved following the 2015 refugee crisis. Greece, following the same EU trend, slowly started to depart from the circular migration rationale. Most notably, it incorporates the EU rules for long-term residence and family reunification, which promote foreigners' lengthier stays in Greece, and permit certain types of immigrants to change jobs throughout their legal residence. However, it deliberately sets bureaucratic obstacles, as when the prerequisite for acquiring long-term status is continuing residence for 5 years, even though legal immigrants often find it difficult to renew their permits, it becomes clear that insisting on such a strict system, both at national and European level, is nothing but a deliberate strategy to hinder aliens from obtaining long-term status.

After 2015, access to the labour market was granted by the majority of residency permits, which was not the case in the past. Most notably, migrant family members now find it simpler to find employment, particularly second-generation immigrants. This is good news for foreigners, but it also highlights how work-centric Greek immigration rules are, while second-generation children, even though Greece is the only country they know are still considered foreigners.

What is noteworthy, is that the Greek bailout Agreements go into great detail about how to deregulate the labour market, but it says nothing about immigration policies other than that the state should enforce laws against irregular and undeclared work. Immigrants' working lives are adversely impacted by the deregulation of labour laws under the European Labour Strategy Flexicurity, which enhances flexibility in the labour market.

While it is clear that the European legal framework also shapes the national legal framework, the timing and the way the state adopts and implements these rules reveals on the one hand a superficial approach to governance and on the other hand an effort to maintain control and impose a hierarchical demand-driven governance.

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PART II The agents involved in Migration Governance in Greece.

Chapter 5. The map of the agents.

In this part of the thesis, the role of agents who actively participate in both the formulation and implementation of policymaking on labour migration issues will be highlighted. These agents are the state, independent monitoring organisations, municipalities and peripheries, NGOs and migrant associations, entrepreneurs, labour unions, and the Church.

These agents' importance has emerged from research as they are the most involved in policymaking and implementation. As already mentioned, the role of the EU is crucial as European rules determine the national framework. However, in this part, the degrees of freedom of the state and local authorities will be underlined, as well as the influence of other agents that mainly operate at the national level.

5.1 The role of the state

The recruitment process for workers from third countries remains state-centric and work-centric, with the "metaklissis" process being the main recruitment process since 2007. The Ministries of Internal Affairs, External Relations, Development, Shipping and Island Policy and Labour, and Peripheries' authorities, are involved in the process. The opinion of the Public Employment Service (DYPA), and the Peripheries' authorities is required. Labor unions, employers' associations, and the independent administrative authorities the National Human Rights Commission (EEDA), and the Economic and Social Committee (ESC), are also consulted. The 2014 Code simplified the process, but the Ministry of Migration and Asylum still maintains a central role.

Employers must find TCNs before applying for foreign worker admission, requiring those interested in entry visas to have signed an employment contract. The question arises as to whether this is feasible for people who are usually low-income, low-skilled workers, as approximately 90% of the requests for work through the "metaklissis", concern low-skilled jobs (Zografakis and Kasimis, 2014.) It seems unreasonable to set the labour market needs at the end of every year. The recruitment mechanism must be flexible to adapt to any significant economic change and emergency. In sectors like agriculture and tourism, which lean to immigrants to fill shortages, the employers' needs change very often (SIRIUS, 2019.) However, the highly centralised matching mechanism doesn't allow for much flexibility. It is indicative that for the period 2023-2024, 147.925 jobs were given to foreigners, while the requests submitted from employers were 379.165 (ESC, 2023, p. 41.)

The MOMA was given responsibility for permit-granting services in 2023, replacing decentralised authorities under the peripheries administration. The justification was that the peripheries lacked the qualified staff to carry it out. This change hinders decentralisation and limits active participation in governance. The central government's authority reinforces centralised governance, and decentralised authorities do not participate in decisions about the volume of TCNs to be admitted.

Three Migration Committees have been established at the Ministry of Migration and Asylum, which give their opinion on the granting and renewal of residence permits and on whether TCNs have special ties with the country. The ministry designs migration policies, monitors the Code of Migration implementation, handles reception and identification services since

2016, and handles vulnerable citizens and institutional protection issues. In 2021, the composition of the Committees changed and became from a five-member to a three-member committee because the representatives of the Municipalities were abolished. Once again, the desire of the state to centralise the decision-making process in the central administration and more specifically in the Ministry becomes apparent. The General Secretary of the Decentralised Administration is central to issuing and renewing investment permits, which are crucial for supporting the Greek market post-crisis. The Ministry of Development and Investment manages residence permits for independent business or investment activity, requiring an investment feasibility assessment from the Ministry of Migration and Asylum.

The Ministry of Culture, Education, and Religious Affairs gives its opinion on the granting of residence permits to TCNs for vocational training, and religious services. It exchanges information with the MOMA for students' mobility between two or more higher education institutions, and the admission of researchers through approved research organizations. It is responsible for the establishment and operation of intercultural education schools and monitors the providers of education, research, and vocational training services for TCNs, legally residing in the country. The Ministry of Rural Development relies on the MOMA and the Ministry of Foreign Affairs to reinforce the local embassies to accommodate Greece's annual need for almost 180.000 land workers. The goal is to allow for the applications from foreign workers to be reviewed quickly, but not to reject workers as has previously been the norm.

The MOMA collaborates with the decentralised administration to manage asylum seekers' applications and paperwork. The Ministry of Foreign Affairs oversees reception, identification, and refugee travel permits. Third-country citizens are sent to the mainland and Regional Asylum Office for international protection or readmitted and returned to their countries. The Ministry handles visas, bilateral agreements, and readmissions.

State-centric management of funded programs for the integration of migrants further strengthens state-centred governance. Between 2014 and 2020, not many projects in the areas of integration and legal migration were carried out. During 2014-2020 Greece received 3.2 billion euros out of which around 1.83 billion euros were channelled to NGOs and International Organisations (IGOs), and the rest to the state, most of which 355 million euros were given to MOMA. The rest are divided between the Ministries of Defence, Health, Interior, the Hellenic Coast Guard, and the Hellenic Police. However, the EU and national authorities faced challenges in establishing the minimal requirements for specific projects, resulting in the non-execution of several of them. Their implementation was hampered by the unclear connection between the measures that were anticipated under the Asylum Migration and Integration Fund (AMIF) and the European Social Fund (ESF), as well as by delays in the procurement process (European Commission, 2021.)

More initiatives are launched in the programming period of 2021–2027 for migration. For Greece, the funding is divided as follows (Ibid):

- €407.7 million under the Asylum Migration and Integration Fund
- €1.05 billion under the Border Management and Visa Policy Instrument
- €44 million under the Internal Security Fund

Approximately 189 million euros are given for legal migration and integration actions. AMIF funds most of the projects but structural funds like ESF, ESF+, European Regional Development Fund (ERDF) and Regional Operational Programmes, complement financing. The bulk of the projects are funded by the EU but in most cases, the projects are co-funded with MSs. Actions envisaged for integration focus on basic skills training, general coaching of jobseekers, orientation courses for unemployed TCNs, job counselling, vocational training, mental health promotion and courses in the Greek Language, and the European way of life (European Commission, 2021, p. 21.)

One of the most important problems in the implementation of projects is the bureaucratic state-centred mechanism that delays even the approval of agreed European actions. For example, the approval of the AMIF 2021-2027 package of projects, from the Greek government, for the period 2021-2022 was completed in November 2022, 4.5 months after the reference period.

The MOMA and Minister of State manage a 2029 integration roadmap, consolidating strategic planning activities into a single document. Consultations with the National Confederation of Disabled People (NCDP), the EU Agency for Human Rights (FRA), the Ombudsman, and other entities are made. MOMA establishes a monitoring committee to ensure adherence to the EU Charter of Fundamental Rights, while the Ombudsman and the National Transparency Authority (NTA) handle complaints (Ibid, p.53.)

To make sure that the programs accurately reflect policy needs, the Ministry of Migration and Asylum consults with a wide range of stakeholders during the preparatory phase. Meetings with 'de jure monopoly stakeholders' like the Ministries of Foreign Affairs, Interior, and Labour and Social Affairs, and the Periphery and municipalities, occur often (Ibid, 55). IGOs and NGOs provide their knowledge and contributions and are assigned roles depending on their expertise. Meetings with all possible stakeholders are held periodically throughout the year, on a bilateral or a unilateral basis.

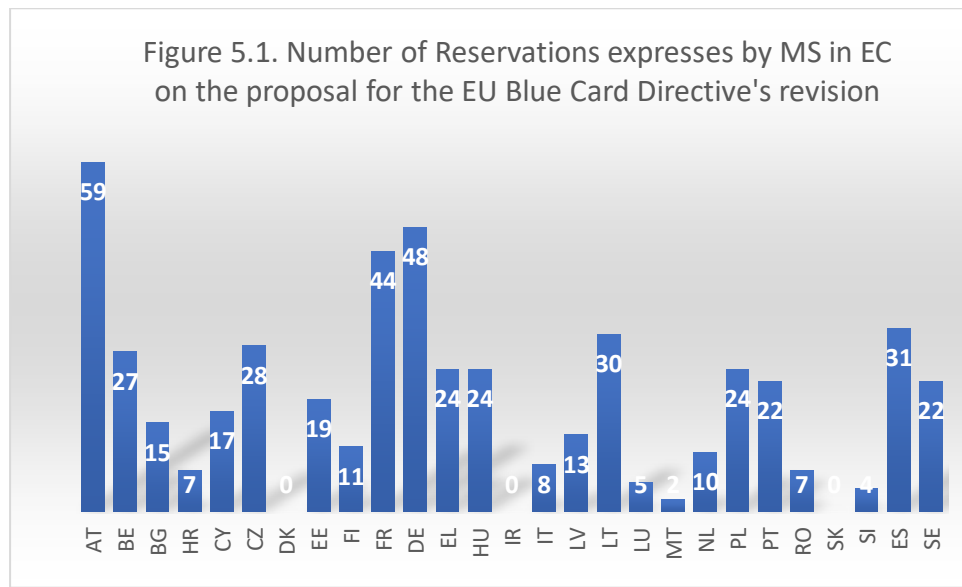
Although the European Union sets the framework within which national frameworks should operate, the state decides when and how to adopt these rules. As will be emphasized in this chapter, Greece is often slow to implement or apply these rules. Following this argument, the behaviour of the state when negotiating with EU bodies for the adoption of migration policies reflects its will to protect political interests. Looking at one of the most important directives (as has already been highlighted), the Blue Card directive, during the negotiations in the European Council, it becomes obvious that the Greek state raises issues that reflect the governance system in Greece.

On the 16th of November 2016 (Council of the European Union, 2016), during the negotiations in the Council on the revision of the Blue Card Directive, the comments made by the delegations were most detailed and therefore they reflect the MSs opinion on how the final version of the Directive should be. The reservations expressed by the MSs on the Commission's proposal were divided into the following categories: subject matter and definitions, admission-refusal, application and decision procedures, labour rights, mobility, and reporting.

Austria, Germany, and France have expressed most reservations about the Commission's proposal as they are among the states that accept the highest proportion of migrants, and they seem willing to control the process in the Council (see Figure 5.1). Germany is the country

that receives around 80% of the EU high-qualified migrants every year, and its interest in the directive is straightforward. Austria in 2020 was the 4th state with the highest vacancy rates in the EU, reporting difficulties in recruiting labour, in high qualifications positions. Belgium, the Czech Republic, Hungary, Lithuania, Poland, and Spain are the states that have expressed similar reservations with the previous states (see Figure 5.2). In Eastern Europe, the vacancy rates are increasing, partly because they are integrated into Germany’s export-led economy, after the 2004 EU enlargement.

Figure 5.1 Number of Reservations expressed by MSs on the Commission’s proposal for the EU Blue Card Directive’s Revision



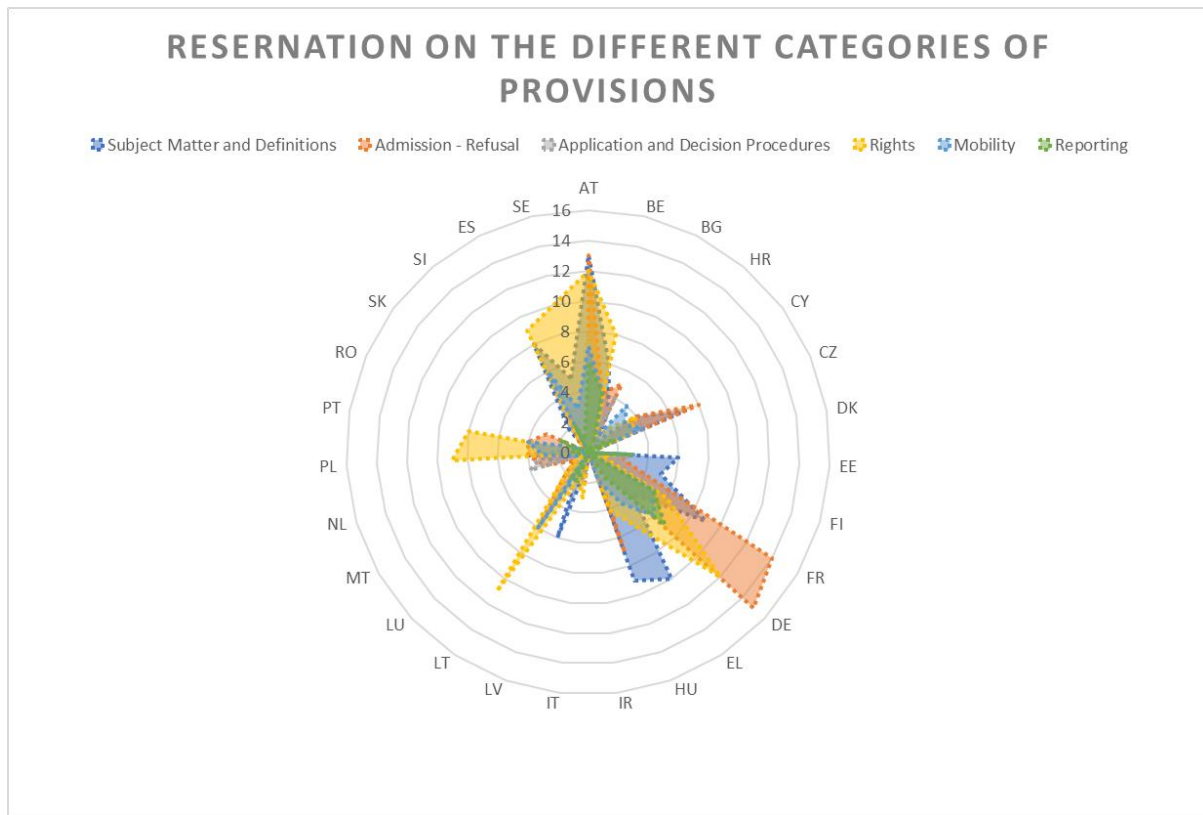
Source: European Council (2016) Own elaboration of data

Greece expressed several reservations too, that corresponds to its role as a transit state. It takes particular interest in mobility rights (see Figure 5.2) and at least initially it disagreed with the increased mobility rights that the directive envisages for highly qualified workers. Greece hosts only a few dozen highly qualified workers every year and its resistance to these increased mobility rights seems unjustified. However, Greece has traditionally maintained a strict stance towards facilitating the mobility of migrants of all categories as it follows policies of deterrence against the increase of migratory flows, a strategy to raise the costs of prospective migrants’ views of Greece as a country easy to transit to reach the rest of Europe or as a desirable country, in terms of integration. At the same time, this stance satisfies the public sentiment that has been critical in recent years of previous European "open borders" policies. Mobility issues seem to concern more states that are at the borders of the EU like Estonia, Latvia, Lithuania, Hungary, Greece, and Spain, but also states that receive high numbers of migrants like Austria and Germany.

Another shore point for Greece has been the recognition of migrants’ educational and professional qualifications because Greece has one of the strictest systems for qualification recognition in the EU. In more detail, the state enjoys high earnings from this system as the recognition of one’s diplomas and professional qualifications requires an application with the payment of high fees. However, similar concerns are expressed by other states as they fear that the unbridled recognition of qualifications could allow for increased competition with the local labour, something that wouldn’t be very popular with voters. Therefore, the proposal for the recognition of qualifications with “at least 3 years of equivalent professional experience”

was substituted by “at least 5 years of professional experience” of a level comparable to higher education qualifications including at least 2 years in a senior position’.

Figure 5.2 Reservations expressed by the MSs on Provisions of the EU Blue Card Directive’s Revision



Source European Council (2016) Own elaboration of Data

It is noteworthy that some core and Eastern states (Austria, Belgium, the Czech Republic, Germany, Lithuania, Portugal, and Poland) insisted on expressing reservations on the equality of rights with local labour, like on provisions that facilitate the change of employers, or granting long term residence to Blue Card holders. They prefer for such matters to be left to the discretion of the state. Greece expressed some concerns about linking the Blue Card to long-term residence but didn’t insist further. Greece, as will be shown later, rarely expresses reservations on provisions that determine migrants’ rights. Nearly all MS have expressed reservations on the extension of the directive’s scope to the refugees and the beneficiaries of international protection posing the related administrative burden to the authorities as a justification. It should be stressed that MS tend to favour their national schemes and has been more successful in some states like Austria and Germany. Even industrial states tend to be more conservative than the EC and the Parliament as the representatives are accountable to voters. What is interesting is that on the Blue Card, there were not many disagreements between states and so the smaller states let the core states take the lead, resorting to bandwagoning.

‘May clauses’ are clauses that MSs are allowed to activate regarding optional provisions that give them the freedom to interpret and implement them according to states’ standards, usually in a more restrictive manner. When MSs activate many ‘may clauses’, there is wide variation in interpretation and allows for different standards on migration rules to be

implemented across MSs. Moreover, they allow for exceptions to prevail regarding principles like the principle of equal treatment (European Commission, 2019.)

Examining how MSs have applied ‘may clauses’, sheds light on the MSs stance towards the directives, as well as how MSs implement their strategies to promote their interests (European Commission, 2019.) The reservations expressed concerning the Students’ Directive (SD), Researchers’ Directive (RD), Blue Card Directive (BCD), Long-Term Residence Directive (LTR), Family Reunification Directive (FRD) and Seasonal Workers’ Directive (SWD) are similar to those expressed for the Blue Card directive analysed above. Specifically, AT, BE, DE, CH, CZ, HU, and PO are the states that have applied ‘may clauses’ for all the above directives. Strikingly, most reservations were expressed regarding the integration requirements and equal rights of migrants. Most of the ‘may clauses’ were activated regarding the LTR, to which many reservations were expressed, as far as integration requirements, as well as mobility rights are concerned. Most MSs that have applied restrictive ‘may clauses’ for mobility rights, concern the LTR and the FRD and they are transit states (all Eastern Europe, Balkan, and South European states along with Belgium and Austria that are considered to apply strict regulations on migration issues.)

Strikingly, Greece is among the few states that have never applied ‘may clauses’ on integration requirements and equal rights for any directive. Most of the ‘may clauses’ that Greece has activated are restrictive ‘may clauses’ of LTD and the FRD regarding mobility rights, corresponding to its role as a transit state. About FRD it has also required evidence of the sponsor’s accommodation and financial resources to make it more difficult for someone to obtain this permit.

These optional ‘may clauses’ are applied either in a restrictive or permissive manner. Most of the time, MSs apply more permissive clauses with highly qualified or EU workers. For example, for LTRD, 12 MSs, among which Greece, give preference to EU citizens and highly qualified workers in their labour markets concerning TCNs. For FRD, permissive clauses regarding the family member's ability to accompany the BCD holder and work are applied by all MSs to attract global talent.

Regarding newcomers, most often MSs pose the justification that immigrants who have been recently admitted to the EU have not yet contributed to the social system to receive the corresponding benefits. Reservations have been expressed by nearly all MSs on issues regarding family benefits and unemployment benefits for all directives but the MSs that have applied most of the restrictive ‘may clauses’ nearly for all directives are (AT, BE, HR, CZ, FI, FR, DE, HU, IT, LT, LI, NL, PO, RO, SK, SE). Like in the case of the Blue Card, for the rest of the directives, the core states are the ones that take the initiative to express their reservations in the negotiation phase in the Council on legal migration issues. Smaller states like Greece, are equally conservative regarding acknowledging broader rights to migrants but allow for the bigger states to take the lead, while they resort to bandwagoning. Smaller states like Eastern European states that enjoy a special relationship with core states, being integrated into their economies, usually take an active stance during the negotiations supporting the core states, regarding the legal migration issues. These unsurpassed reservations lead to compromises that allow states to impose restrictions on equal treatment.

This bandwagoning strategy is evident during the negotiation in the Council for other Directives too. Common concerns, where core states have taken the lead and smaller states

have followed, have been those expressed by the states related to the impact of managing migration, potentially infringing on the sovereign right to control the entry and residence of TCNs for both the Single Permit Directive and the Seasonal Workers Directive (Council of the European Union, 2011.)

On the Seasonal Workers Directive, countries with high demand for seasonal workers, such as Spain, Italy, and Poland, supported the directive to regulate the influx of seasonal workers. Countries with lower demand or different labour market structures, like Nordic countries, were more cautious and advocated the need for extra protection for their labour markets. Greece even though, a country that hosts many seasonal workers advocated for more protection and expressed concerns about sovereignty issues, to appease the public sentiment about the admission of low-qualified workers. However, the differences that occurred were minimal as all MSs expressed their concerns about sovereignty control (Council of the European Union, 2010.)

It seems that the prevailing conditions on the national market are a key criterion for strategizing in the negotiations at the European Council. For example, while Eastern European States usually cooperate with core states, on the Posted Workers Directive, countries like France, Germany, and Belgium advocate for stricter rules to ensure equal pay for posted workers, preventing social dumping, but Eastern European countries, like Poland, Hungary, and Slovakia, fear these rules could undermine their competitive advantage and make it harder for their companies to provide services across borders (Council of the European Union, 2018.)

This behaviour concerns labour migration issues and not immigration and security issues. On the latter, the behaviour of states is different, as demonstrated by the negotiation about the distribution of refugees in states after the refugee crisis, with non-transit states usually resisting quotas strongly and many peripheral-transit states demanding solidarity. This deep disagreement prevented the adoption of rapid measures to respond to the 2015 refugee crisis. However, the security policy and migration are not part of this Thesis, and this case is not analysed.

5.2 The Local Administration

The host society and the local communities need to be involved in the integration process to succeed, as stated in the Common Basic Principles of the European Union for integration policy (Council of the European Union, 2004.)

In 2010, the "Kallikratis" reform for the administrative restructuring of peripheries granted peripheries increased responsibilities for integrating migrants but no political, administrative, or financial autonomy. Applications for residence permits were transferred from the municipalities to the peripheral decentralised administration, which was eventually lost in 2023 in favour of MOMA. The official explanation for the transfers was the lack of know-how and understaffing at the municipality and the periphery levels (Ministry of Migration and Asylum, 2022.)

In 2010, the Migrant Integration Councils (MICs) were created in response to pressure asserted by mayors and civil society and to the need to follow EU directions. European institutions have prioritized decentralisation of migration governance since the 2001 White

Paper, which aims to make policymaking more accessible to citizens via the lens of multilevel governance (EKKE, 2014.)

TCNs, NGOs, and IGOs can become members of MICs. Fifteen municipalities had formed MICs up until 2018 (MOMA, 2019b); by 2022, the number decreased to eleven MICs (migration.gov, 2022.) Except for the municipalities of Athens and Thessaloniki, which are home to sizable immigrant communities, the MICs have, nevertheless, remained inactive. 10% of the previous municipalities said that not knowing the goals of MICs was a barrier, and 25% mentioned additional issues, such as the low number of foreign residents (MOMA, 2019.) Awareness campaigns account for 21% of the topics covered in MICs, followed by education and Greek language courses (19%), health care (16%), labour (16%), housing (13%), and legal affairs (10%). However, 10% of the municipalities, handle migration issues frequently, and 36% occasionally (MOMA, 2019, p. 14-17.)

Greece has 332 municipalities. The 11 that have established MICs (Athens, Piraeus, Kallithea, Thessaloniki, Evosmos, Thiva, Lamia, Kyllini, Herakleion, Lesvos, Trikala) are the ones mostly funded for promoting integration, through the AMIF/ESF (Athens, Chalkidon, Herakleion, Karditsa, Katerini, Larissa, Livadia, Trikala, Philadelphia, Pireaus, Thessaloniki, Tilos, Volos) (AMIF, 2021.) The municipalities of Athens and Thessaloniki, the two largest cities participate in the ‘Cities Growth Project’, to promote common basic principles of integration (<http://www.euocities.eu/>, n.d.)

In 2018, Athens, using private funding created the ‘Network of Cities’ formed by 12 municipalities (Athens, Agios Demetriou, Herakleion, Thessaloniki, Ioannina, Karditsa, Larissa, Levadeon, Nea Filadelfeia Attica, Piraeus, Trikala, and Tripoli). Even with private funding, roughly the same municipalities, reap the lion's share of funding. Shockingly, this is about 10% of all municipalities and large municipalities and municipalities on islands and rural areas that host a large percentage of immigrants have been side-lined. However, from 2013-2024, through the EU European Structural and Investment Funds, 3 basic projects for vulnerable groups exist in all municipalities that establish healthcare centres and recruitment processes.

Among the subsidized municipalities, apart from the municipalities of Athens and Thessaloniki, the municipalities of Karditsa, Larissa, and Trikala, which belong to the periphery of Thessaly, where many MRAs work and the municipality of Katerini are the most active. Trikala and Karditsa are among the few municipalities that have organised projects for migrant entrepreneurship. A bank has been set up in Karditsa that promotes microfinance to migrants. While microfinance is a mechanism widespread in Europe for the integration of vulnerable social groups, in Greece, it is not promoted as after the economic crisis, loans for entrepreneurship are not easily given.

According to Mr Agorastos, President of The Union of the Peripheries (ENPE), in Greece issue of migration does not concern only Greece but rather it is a European issue. He emphasized the necessity of equitable burden-sharing among the 27 member states of the European Union. He concurred, that reducing migration flows is a priority (ENPE, 2019). ENPE supports that NGOs, as is the situation in third-world nations, cannot be funded to carry out projects that should be carried out by public authorities in countries with a structured state. Rather, it takes issue with the state's failure to assign the peripheries a significant role in handling the migrant situation. ENPE supports that even though, it had

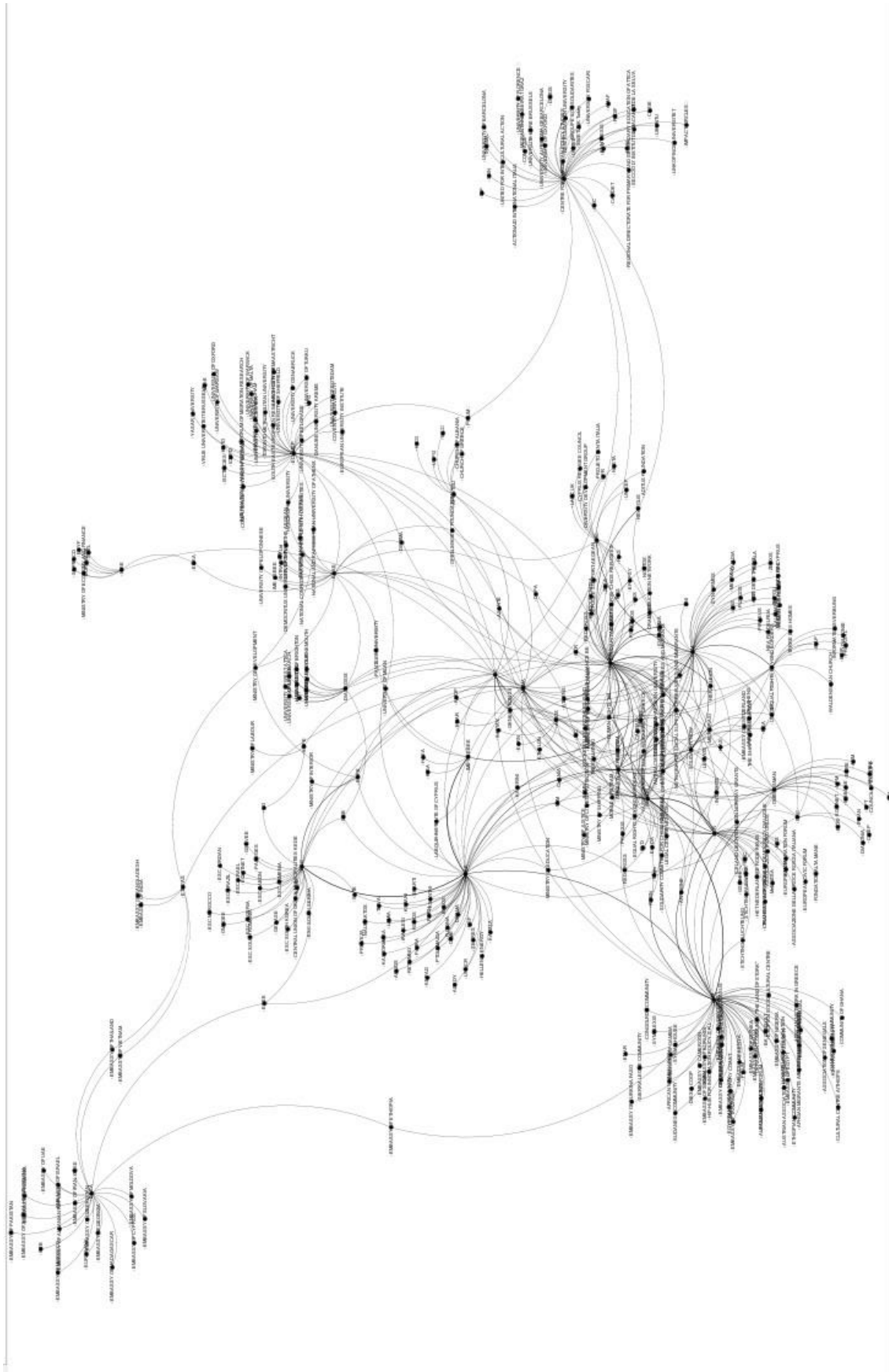
long warned of the risks of receiving an increasing number of TCNs, the state did not take into consideration its suggestions. It researches migration and for 2021–2027, the largest initiative that supports lifelong learning, upskilling and labour integration of around 14.000 TCNs is implemented at the peripheral level (Human Resources and Social Cohesion.)

Decentralised decision-making could increase system transparency as municipalities and the peripheries would be more motivated to set up efficient recruitment practices that meet the demands of the regional labour market. Since migrants and recipients of international protection reside locally, local authorities have a greater understanding of the everyday challenges that this population faces.

5.3 The non-state agents

The social network between the agents involved in policymaking is shown in the following graph:

Graph 5.3 The Social Network of the Agents Involved in Migration Policymaking in Greece



Graph Created by the Author 1

According to Social Network Analysis (SNA) of the most important agents involved in policymaking and policy implementation of migration issues, every agent has an average of 2.868 neighbours' edges, meaning that they cooperate at an average with 3 agents. Approximately 300 agents out of 580 agents work at an average with three other agents. The agents that are central in the graph, are the European Commission, which funds the projects, MOMA, the Greek Forum of Migrants (GFM), the General Confederation of Greek Workers (GSEE), the UN Refugee Agency (UNCHR), the Hellenic Foundation for European and Foreign Policy (ELIAMEP), The Centre for Social Action and Innovation (KMOP), the International Organisation for Migration (IOM), Amnesty International, The Greek National Commission for Human Rights (GNCHR), Economic & Social Council of Greece (ESC), and the Greek Council for Refugees (GCR), meaning that most agents in the network need to pass these agents to communicate/cooperate with another agent in the network. This doesn't mean that they are the biggest agents but that they relate to most of the agents. Other agents are also central and will be analysed, in the following section when the different categories of agents will be analysed. The shortest distance between the two furthest points is 6, which shows that the two agents that are further apart in the network need to go through 6 other agents to communicate, more specifically 6 of the above-mentioned agents. This also shows that the power is concentrated in some agents, which is reflected in the 9 categories of agents, which will be shown in the following graphs. The sub-networks/clashes that are created within the network are related to the above agencies and they are analysed below.

In the following sections, the sub-networks of the above agents are presented, isolated by the rest of the network to make the graphs more visible. Separate SNAs have been conducted for the above agents. The agents and the categories where they belong (NGOs, IGOs and others) are presented in Appendix 1 of the 6th chapter of the thesis.

5.4 IGOs and NGOs

NGOs and IOGs must be included in the consultation process for developing migration policy (European Commission, n.d). The European Commissioner for Humanitarian Aid and Crisis Management Mr. Stylianides states that after the refugee crisis, immediate response was weak by the MSs and humanitarian aid was necessary, which due to the Framework of Principles for Humanitarian Aid cannot be made available through the state but through the civil society (ENPE, 2016.) These new actors promote new forms of consultation and intervention that emerge from their substantial independence from the central government (Kamat, 2004.)

From 2014 to 2020, IGOs and NGOs facilitated most EU funding provided to Greece for borders and migration management. From 3.12 billion euros, almost 1.83 billion were distributed to IGOs and NGOs with the remaining channelled to the Greek ministries (European Commission, 2021.) IOM and UNHCR received more than 65% of the total funding.

IGOs, NGOs, civil society initiatives, and civil companies are included in Article 2 of Law 4430/2016 as social entities that develop activities that benefit society. Institutional involvement of NGOs and IGOs reflects their vital role in migration management by providing aid to MRAs, like social services including education, health, social housing, childcare, long-term care, and social assistance services, substituting public sector obligations after the refugee crisis, and replacing insufficient or non-existent state structures and services

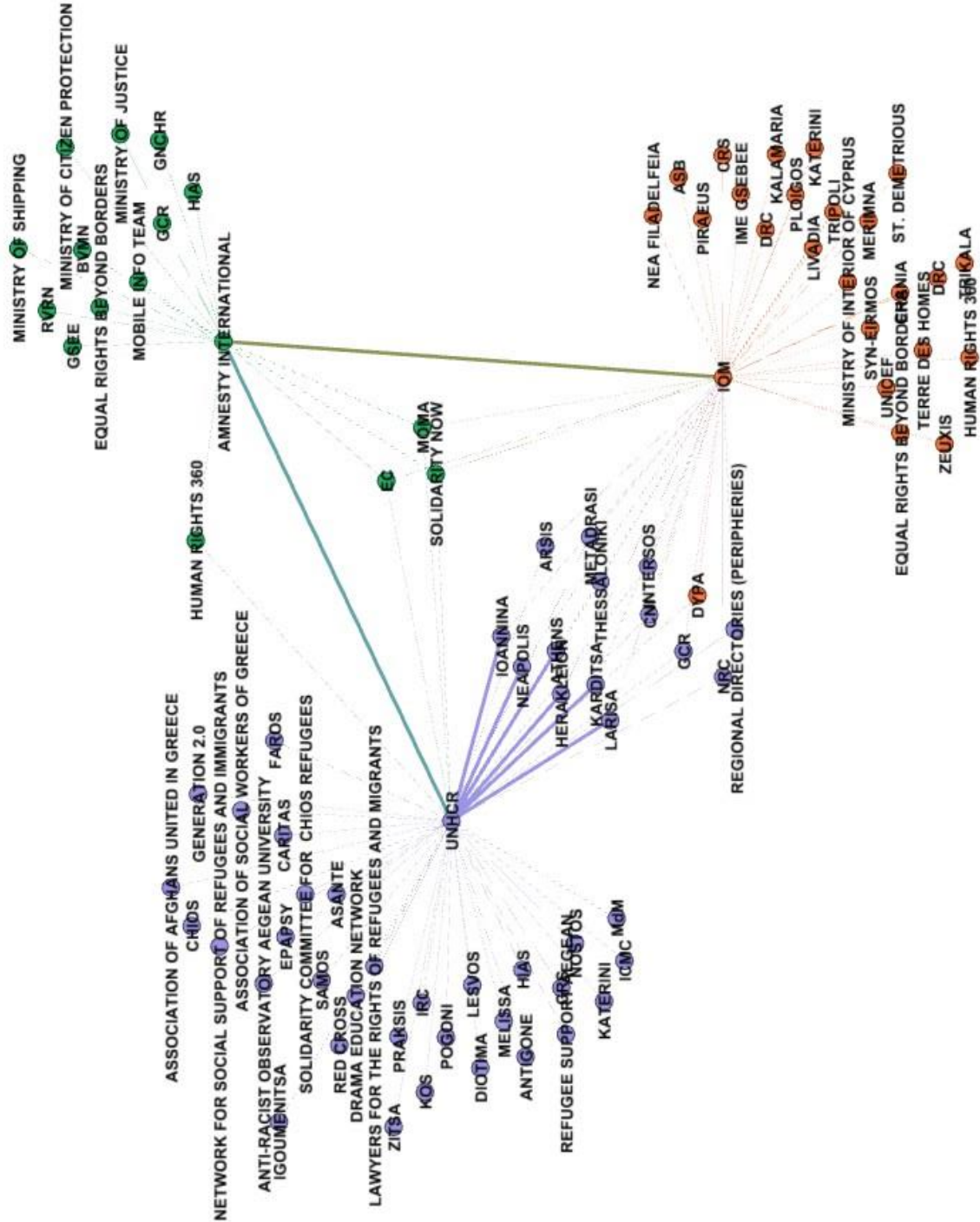
(Varouxi, 2008.) NGOs and IGOs gather information on human rights violations, and they lobby at the EU and national level to safeguard human rights standards. In Greece, NGOs and IGOs are invited to participate in the public consultation process for new laws and the 'metaklissis'.

15% of younger MRAs cite IGOs as very important for their integration, while it is only 5% for older MRAs (Kapsalis, 2022.) This indicates that NGOs and IGOs are more involved in the integration of recent MRAs, which is noteworthy given that they emerged dynamically following the refugee crisis. For this reason, an almost refugee-centric reading of the migration phenomenon seems to be adopted by them, as demonstrated by the older foreign-born population, who point out that these organizations are funded primarily to help recent MRAs (Ibid, p. 94.)

However, the organizations themselves state that their advisory role is pretextual and considered for formality reasons. NGOs argue that their influence on shaping migration policy is limited and tolerated by the state, to legitimize the new rules (Varouxi, 2008.) The lack of a genuine co-policy formulation system, where the system would function as a circuit that allows for information and ideas to flow, reduces the role of these agents at the crisis management level.

Graph 5.4 shows the three largest IGOs are UNHCR, IOM, and Amnesty International. The state cooperates more closely with the two international organizations UNHCR and the IOM. In 2022, a Memorandum of Understanding was signed between the Ministry of Rural Development and IOM to facilitate the integration of third-country nationals into the local labour market and society. As in other cases, MOMA, and EC, which control most EU funds, including those that finance migration projects (AMIF, ESF), are agents linking all three IGOs. Solidarity Now is an NGO that cooperates with all three of them, and since 2014, it has been on the list with the 10 higher-funded NGOs in Greece for migration issues.

Graph 5.4 The Social Network of IGOs in Greece



Made by the Author

UNHCR and IOM receive the lion's share of EU funding. UNHCR cooperates with the Greek government, and as shown on the graph with local authorities, and NGOs to provide, EU financial assistance, accommodation, and cash assistance to MRAs in Greece. 25.000 accommodation sites had been set up under the ESTIA program, under the management of UNHCR. Similarly, IOM cooperates with the Greek government under the auspices of the EU, providing similar services (ECR, 2020.) The IOM co-manages with the Greek government the Helios program that provides housing support and integration into the labour market, which in 2023 had about 45.000 beneficiaries, the biggest project in Greece for this population. IOM oversees urgent returns for migrants wanting to return to their countries of origin (IOM, 2023.) Amnesty International collaborates closely with NGOs and local authorities.

During the 2015 crisis, activities at the EU and international levels long focused on reception (refugee camps, apartments, etc.). However, a limited focus was set on integration (ECR, 2020, p. 7.) The major international organizations, especially the IOM and UNHCR, acknowledged this and started consulting the state on integration issues, especially after 2016, when the first integration program was launched and while the 2018 integration strategy was being prepared (ECR, 2020, p. 9.)

The Greek government has taken steps to increase its direct control over the above projects. For example, the Ministry of Immigration and Asylum took over the supervision of the UNHCR-run housing project, ESTIA (Amnesty International, 2020.) The willingness of the state to limit the role of agents is evident when it comes to working together, with NGOs, and public administration. The cooperation is described as cumbersome and usually takes the form of pressure through the submission of memoranda to NGOs and IGOs. Interventions are frequently ignored, and the agents rarely receive a formal response (Antigoni, 2016; Equal Rights Beyond Borders, 2022; Varouxi, 2008.) Regarding Greece, the pressure was particularly intense on the government to launch an urgent investigation into allegations of illegal returns of migrants to Turkey and on the EU to allow for relocations of MRAs (diotima.org, n.d.). However, the well-organized network set up by these organisations is not enough to persuade either Europe or Greece to allow dynamic intervention in these areas, and their efforts do not bear fruit often.

In 2018, Greece implemented additional administrative burdens to grant NGOs legal status and allow them to carry on with their operations. The Registry on the operation of Greek and foreign NGOs and the Registry of the NGOs members was created. In 2024, the Registry of NGOs included 85 members. In parallel with the consultation with stakeholders on these reforms, the state adopted more restrictive laws regarding the integration of asylum seekers and illegal immigrants.

Obtaining a "certification" is a prerequisite for registration in the "Registry of Greek and Foreign NGOs." The new rules impose additional and intrusive restrictions on NGOs in a discriminatory manner. They interfere with NGOs' autonomy, violating the right to privacy of organisations and their members, by giving registering services the authority to check their financial and operational records for the preceding two years (Amnesty International, 2020.) The criterion of proof of financial records for the preceding two years discriminates against

new NGOs since only the NGOs that have operated in Greece for two years or more are eligible to register (Expert Council on NGO Law of the Council of Europe, 2020.) New and small NGOs suffer more consequences as the preparation of their applications is time and money-consuming. IOM (2020) supports that the government is dealing with suspicion toward NGOs, adding regulations on them, and pushing divisive public discourse by categorizing NGOs as "good" or "bad".

The strictness of the new regulation is reflected in the fact that it stipulates that any changes to the staff of these organizations must be reported to the authorities within 24 hours of the change for the changes to be inserted in the Registry. Failure to comply with this requirement results in the automatic removal of the organisation from the NGO registry, the removal of the individual from the members' registry, and the revocation of certification for the organisation.

While the Registry of NGOs has instigated strict rules, the Registry itself was necessary as the completely unmonitored operation of NGOs in the past (more than 100 sprung up during the refugee crisis) allowed for delinquent behaviour to appear. Police authorities have identified illegal activities of organisations that, under the guise of NGOs, engage in migrant smuggling as well as espionage. The Internal Affairs Service of the Security Forces has brought to light criminal organisations that created fake papers recognizing children and civil partnerships on behalf of foreigners residing illegally in Greece to obtain benefits. These organisations consist of members of NGOs, lawyers, notaries, police officers, and civil servants (D.D.Y. P.E. Lesvos, 2018.)

However, the strictness of the system limits considerably the freedom of movement of NGOs. It is noteworthy that while NGOs operating in other sectors must register in Greece as well, the rules are less onerous than those in the migration and asylum field. For instance, according to the Hebrew Immigrant Aid Society (HIAS), organisations and institutions that offer social care services like protecting children and the elderly must also register their data in the electronic register, but the examination of their profiles and their monitoring is less strict (HIAS, 2020.)

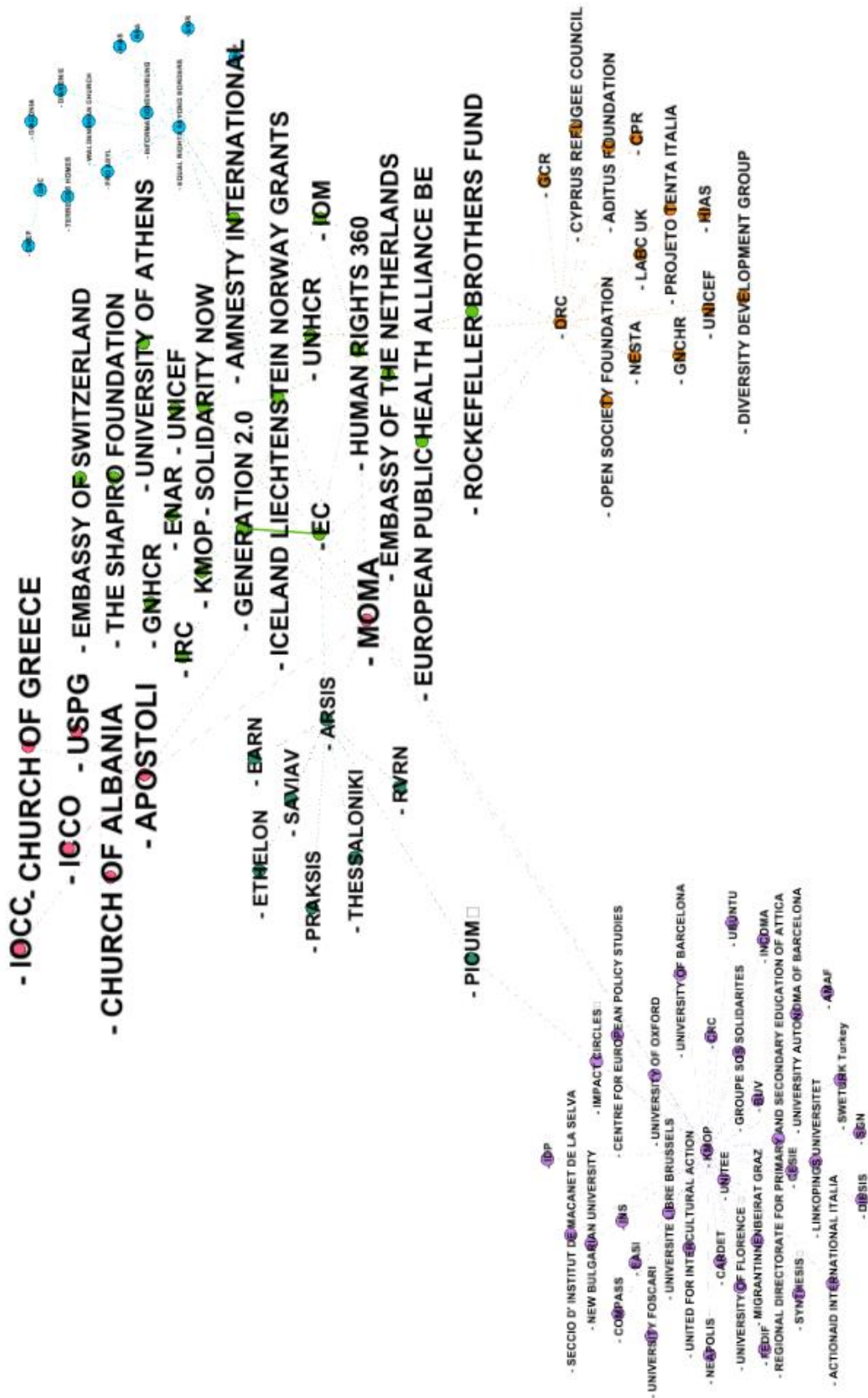
The existence of government-oriented NGOs and state-sponsored businesses is pointed out often. The state's willingness to control NGOs is evident from the fact that, as various NGOs have pointed out, state-managed NGOs are dependent on the state to such an extent that sometimes, when governments change, the board of directors of these NGOs changes as well. These entities have made their presence felt and taken over much of the migration management (Antigoni, 2016, 2018, 2020; ARSIS, 2023.) The Greek state, renouncing part of its duties, when it does not directly enter flexible labour relations, outsources part of its functions to third parties, whether these are international organisations or domestic NGOs where flexible relations between them and the state are established. The GSEE says that tiny NGOs have suddenly grown into massive employers, hiring hundreds of people, and paying them low (Kapsalis, 2020.)

While today NGOs and IGOs organise training events for MRAs or events that bring together foreigners and employers, for the purpose presented above, there is no structured system, with distinct roles of cooperation between actors. An initiative is inescapably fragmented, deficient, and inefficient, resulting in valuable time being lost and resources being wasted. It should be noted that public services whenever they participate in such initiatives, are

activated thanks to the goodwill of local actors. The central state does not promote such actions, but as mentioned above, many local authorities were not even interested in creating MICs. Even employers point out that IGOs and NGOs should cooperate more with DYPA, the Hellenic Confederation of Professionals, Craftsmen, and Merchants (GSEVEE), and GSEE for a smooth and quick recruitment process. The NGO and IGOs, could cooperate with municipalities could register the employers' needs, GSEE and GSEVEE could contribute to training MRAs with issues like writing CVs and DYPA could run some relevant programs (Kapsalis, 2022; Leontitsis *et al.*, 2020, GSEVEE 2023a, 2023b.)

The NGOs shown in Graph 5.5 are the NGOs involved in migration projects. Solidarity Now, as shown in the diagram for IGOs, has a strong network with both NGOs and IGOs. It belongs to Open Society's international network, as does Human Rights 360, which also works simultaneously with various NGOs and IGOs. Equal Rights Beyond Borders, and DRC are German and Danish respectively, while Apostoli (the Church) and ARSIS are Greek and all of them are central to the network as they have created their own sub-networks and they operate in between other agents and subnetworks. All of them are on the list with the 10 most highly funded NGOs, after the 2015 crisis. Of the NGOs that exist in the Network 14 are based in Belgium, in Brussels to be close to the EU institutions, 7 are Italian, 5 are German, 5 are Dutch, 4 are Swedish, 3 are Austrian, 4 are Cypriot, 3 American, 3 French, 3 Spanish, 3 British and 1 from Portugal, Africa, Bulgaria, Denmark Hungary, Israel, Latvia, Poland, Romania, and Turkey. The EC funds the above projects and works closely with IGOs like the IOM and UNHCR to cooperate for the conclusion of the projects where NGOs participate.

Graph 5.5 The Social Network of NGOs in Greece



Made by the author

As shown in Graph 5.4, international organisations operate at the local level, and they cooperate extensively with the peripheries' administration and municipalities. However, as already mentioned, these municipalities make up a small part of all municipalities. The municipalities that are more active on migration issues like Athens, Karditsa, Larisa, Herakleion, and Thessaloniki cooperate with both UNHCR and IOM. ARSIS, METADRASI and the Norwegian Refugee Council (NRC) are big NGOs, for migration projects that work with both UNHCR and IOM on integration projects. What is noteworthy is that DYPA cooperates with both UNHCR and IOM on labour matching and vocational training projects and this is something that as highlighted earlier is desirable by employers and other agents. However, DYPA rarely organises separate programs for unemployed migrants. Despite common partners, as is often the case in the Greek scene, each organization has its partners and network, and this trend follows IGOs too.

Graph 5.5 shows the same thing for NGOs with agents inside and outside Greece. Even more so the Apostoli, which belongs to the Greek Orthodox Church has almost exclusively its network. KMOP, while being an NGO, is a big player in the field of organising educational and vocational training and as it seems it has its network consisting mainly of universities abroad. The Commission, the MOMA, and GNCHR are also agents that cooperate often with NGOs. Noteworthy is the fact that Labour Unions rarely cooperate with them.

More than 65 agents work at an average with two other agents, while the 3 big IGOs, Amnesty International, IOM and UNCHR collaborate with 17, 44 and 55 agents respectively. The shortest distance between the two furthest points is 4, which is something logical as there are three major IGOs and to communicate in the network, the agent needs to pass these three NGOs and most often the Ministry of Migration. This shows the importance of these three IGOs and the fact that municipalities and NGOs complete their tasks (projects) in the network and need their know-how. As shown in the Graph there are three major classes (sub-networks), in different colours that correspond to the three IGOs. More than 75 agents in the NGO network, work at an average with two other agents, while the 3 NGOs Equal Rights Beyond Borders, DRC and Human Rights 360 collaborate with 10, 14 and 16 respectively, while KMOP with more than 36. The NGOs cooperate mainly with NGOs and IGOs while KMOP works mainly with universities and even though it is registered as an NGO it is more a mixture of a research institute and an NGO that organises educational activities. The importance of these NGOs is shown by the 6 major classes, in different colours on the graph that correspond to the biggest NGOs. The EC and MOMA are central for both NGOs and IGOs.

It cannot be stressed enough that local authorities and various national agents often have a sceptical attitude towards NGOs, but not towards international organisations. For example, the president of ENPE Mr. Agorastos said that "in countries that have a structured state, non-governmental organizations cannot be funded to implement a project that can be implemented by public bodies" (ENPE, 2017.) NGOs have a contradictory role. Although they "went over the board" by stationing over a hundred non-governmental organizations during the height of the refugee crisis, they did more than just create networks to serve migrants and refugees; as a result, "careers have been built on the refugee crisis" (Frangiskou *et al.*, 2020; Kapsalis, 2022). Similar are the views of well-established national institutes like the church, but also by

national actors that tend to take an opposite stance against the state's policies, like GSEE and GSVEE (Kapsalis, 2022.)

The church is another important institution in Greek society, which offers charity to vulnerable social groups. It became more involved in migration issues after the 2015 refugee crisis, and the NGO 'Apostoli' set up by the Church, with an initial capital of 15 thousand euros, managed to get over 4 million euros in grants to help integrate MRAs. The Church insists on maintaining its network, mainly of Churches, inside and outside Greece to achieve its objectives. As will be seen in the next chapter, its role is rather controversial, as many clergy are harshly against the permissive European and state policies towards the admission of TCNs, while officially, the charities of the Church and the official Church support the smooth integration of foreigners into the Greek society.

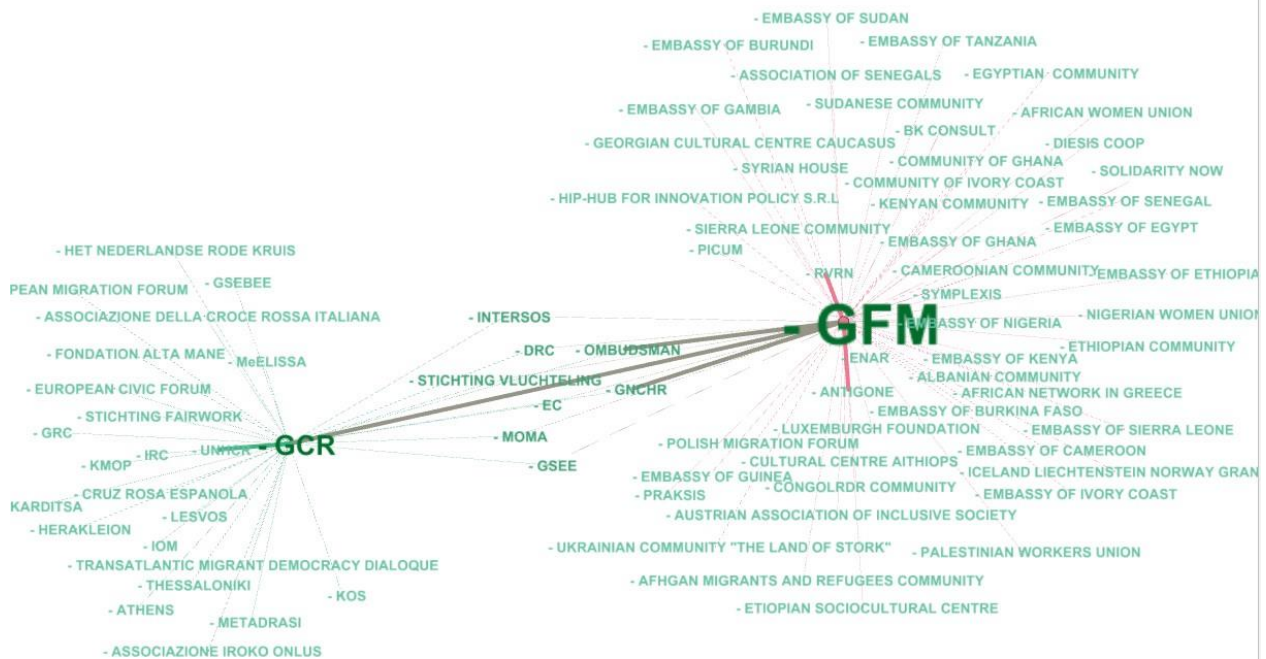
It is particularly important to point out that there are differences in the behaviour of agents in the network, when these agents are from Greece and when they are from abroad, either from Europe or elsewhere. This becomes particularly evident when we look at the networks of NGOs and international organisations. Looking at the graphs concerning NGOs and international organizations, it is easy to understand that NGOs and IOGs coming from abroad are willing to form and indeed form a dense network with relationships involving many agents. Not many Greek organizations participate in these networks. It is very likely that this is the case because these are large European and international organizations that cooperate on projects in other countries as well. So, you have, for example, DRC and NRC who often cooperate with each other and with international NGO organizations like SOLIRADITY NOW, as well as with international organizations like IOM. Observing Greek NGOs, it becomes clear that they either prefer to cooperate with each other or cooperate only with the large international organizations that have the lion's share of funding, or cooperate with their own network, making their network isolated and fragmented.

5.5 MRAs Networks

Many NGOs represent migrants, refugees and asylum seekers and provide them with legal support and funding. The difference with NGOs is that migrant communities usually survive on the funding of their members, so they form partnerships with NGOs and IGOs to survive. The two networks of migrant and refugee communities GFM and GCR, founded in 2002 and 2013 respectively, are the strongest migrant agents as they incorporate most of these communities. GFM and GCR comprise 40 communities, the first and 10 communities the second, covering the widest range of MRAs communities that exist in Greece. In 2018, around 60 communities with various legal forms were active in Greece (GFM, 2018.)

A look at Graph 5.6 which analyses the relationships between the two networks and other agents highlights what is observed for all agents, namely that each one forms its network. The Ombudsman, the GNCHR the GSEE and some large NGOs work with both. They both cooperate closely with IOM UNCHR, for the integration of MRAs. More than 70 agents in the network work at an average with two other agents, while the 2 MRAs Networks, GFM and GCR collaborate with 58 and 34 respectively. The MRA Networks' importance is shown by the 2 major classes shown in different colours on the graph. MOMA remains central in this network too.

Graph 5.6 The Social Network of MRAs in Greece



Made by the author

Migrant communities are the first point of contact for foreigners in Greece, meaning their role in integration is crucial. Integration happens at the local and the community level. The action of the communities begins in the late 80s with the first groups being formed by students who then create immigrant communities. After 2000, the volume of immigrants led them to create associations.

These communities, in cooperation with NGOs and IGOs, organise English, computer and other skills courses, professional advice, legal information, organisation of cultural and sports events, and organisation of awareness campaigns (GFM, 2018). In cooperation with NGOs and IGOs, migrant fora exert their influence on the government by publishing joint statements with other actors on the institutional framework and actions of the central government, meeting with the relevant ministers and engaging in dialogue and consultation on upcoming rules.

What should be pointed out is that it is the fora of immigrant communities that record the experiences and everyday problems of migrants. Benefiting from the wealth of this knowledge of communities, NGOs and IGOs support their claims and work with these communities to demand improved living conditions for MRAs. Many times, together the above actors turn to independent bodies that monitor state behaviour, such as the GNCHR, the Racist Violence Recording Network (RVRN) and the Ombudsman to initiate proceedings, sometimes legal proceedings with national and European courts, to restore the rules. MRAs, IGOs and NGOs need to work closely and extensively with labour unions and the fora (GFM, 2007, 2021, www.refugees.gr, n.d.), especially with GSEE and GSEVEE, with whom they share similar goals (see below). The participation of immigrants who do not join labour unions is also crucial to success and needs to be integrated into this process as only a third of migrants want to become a union member (Leontitsis, et al., 2020.) The fora are among the

few groups that emphasize that to defend workers' rights, migrants must band together with other workers.

These two fora often send memoranda with the urgent legislative changes they consider necessary and seek meetings with the relevant authorities. For example, before the adoption in 2018 of the strategy for the integration of migrants, they met with the minister of Migration Policy, Mr. G. Balafas, to suggest solutions for practical matters like that the residence permits for thousands of foreigners who reside for decades in Greece will expire because the "maximum allowed" periods of absence from the country, both long-term and short-term, leaves the majority of immigrants out of the "system" of renewing permits (GFM, 2018.)

The above chain of actors, starting from the MRA network to NGOs and IGOs, have exerted influence on a variety of practical issues concerning the lives of MRAs. In several cases, years of pressure have borne fruit. For instance, the request to extend the period of absence from the country without losing a permit has been accepted and included in the 2023 Code. The request for the digital application to obtain and renew a residence permit, after years of promises, was also accepted. In times of economic crisis, the request to reduce the high-income criterion for granting a residence permit for family members was heeded but not removed for long-term residents.

However, it should be emphasized that the state cooperates on issues that do not cross its red lines. For example, it remains immovable in terms of facilitating the acquisition of citizenship. While the fora and NGOs have asked to reduce the volume of topics for the citizenship tests, this has not occurred. The fora consider the fact that the second generation is not naturalized from birth as "cradle racism" (GFM, 2019.) The state disregards the opinion that without citizenship, these children experience "internal borders." (www.refugees.gr, n.d.)

The state resists facilitating the renewal of long-term permits further. The requirements to obtain five-year long-term permits are still stringent, despite concerns from NGOs, IGOs and forums, even though over half of the valid licenses are ten-year permits that must be changed to five-year permits. Additionally, Greece has one of the strictest systems for recognising diplomas, something that has not changed despite pressure from communities and civil society. The state often promises changes that do not materialise, like the extension of the duration of the permits for exceptional reasons that have not occurred, because the state avoids facilitating the recognition of the status of the irregularly staying TCNs.

5.6 Trade Unions and Employers' Associations

As is often the case with trade unions, Greece has a defensive but not a negative attitude towards immigration as a reaction to employers' attempts to import cheap labour. Employers favour the entry of immigrants to control labour costs, while unions resist the pressure to reduce wages that such entry can bring about (Meyers, 2000.) However, the stance of the Greek unions is more neutral and sometimes positive as they understand the paradox of the nature of their mission of opposing people who are already working in the country. For additional reasons, they expect that newcomers can strengthen their political influence (Kapsalis, 2020.)

In Greece, trade unions have always accepted migrants, even irregular ones (Kapsalis, 2007.) Greek trade unions' active involvement in refugee-migrant populations can be found in a

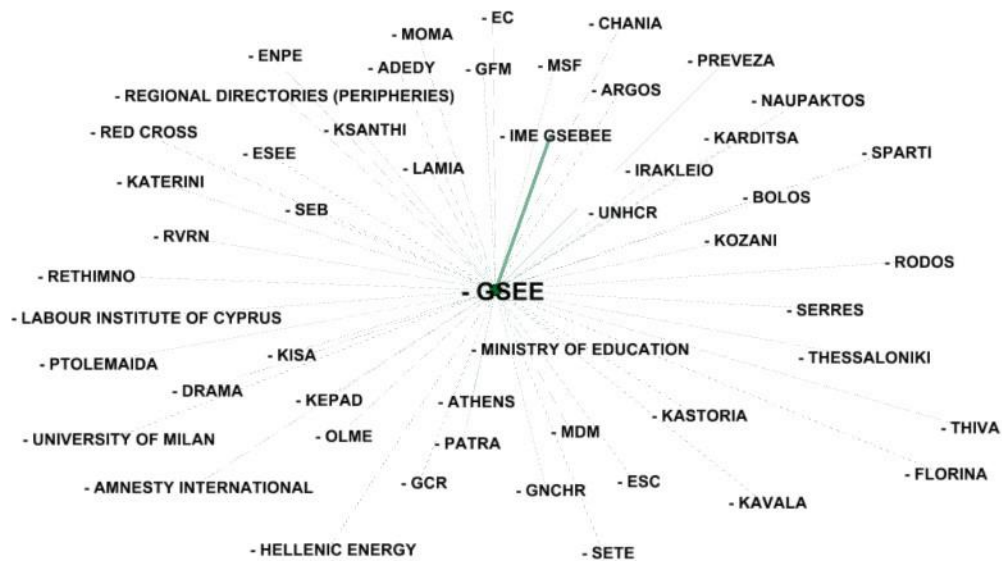
plethora of actions organised mainly in the GSEE workers' centres in Greek cities. The workers' centre in Athens, one of the most dynamic centres, collects and distributes necessities for foreigners in the region in collaboration with the MIC of Athens and the Periphery of Attica.

It is worth noting that trade unions do not primarily choose to cooperate with NGOs and do so less frequently than other social entities. As already mentioned, GSEE's stance was very sceptical towards NGOs and included them in the concept of "privatizing immigration". The privatization of migration characterizes migration policy and concerns the privatization of actions and services for migration as the state gradually withdraws from the implementation of migration policies, a practice that has been rapidly expanding since the refugee crisis in Europe (Kapsalis, 2020.)

The trade unions are among the few social partners to point out that a refugee-centred approach to migration is adopted at both European and national levels, meaning both policies and funding are focused on ensuring increased resources for the reception and care of refugees, which is considered necessary for humanitarian reasons but does not address the phenomenon holistically. At the same time, trade unions are among the few stakeholders that link the disfavour in which immigrants find themselves with the neoliberal nature of the European system, aiming to unite all workers. However, they do not diligently research or separate the needs of migrants from other workers' needs (Kapsalis, 2015.)

The GSEE participates in the consultation for the new National General Collective Cooperation Agreement. In discussions in 2017, it secured a commitment to actions that encourage workers and employers to report incidents of racist violence to the RVRN, established by UNHCR and the GNCHR. The attitude of the labour unions towards IGOs differs from that towards NGOs. GSEE and the Federation of Secondary Education Officers (OLME) have collaborated closely with IOM and UNHCR on integration projects and as already mentioned earlier, is one of the most important agents in terms of centrality in the network, as even if it doesn't often cooperate with NGOs it cooperates, particularly with agents at the local level, through the workers' centres, as shown in graph 5.7.

Graph 5.7 The Social Network of GSEE in Greece



Made by the author

Since 2013, a Migrant Support Facility has operated within the nationwide Network of Counselling and Information Services of GSEE organising programs such as the publication of bilingual educational material, training in basic skills and training programs for local government staff. GSEE's labour centres cooperate with municipalities, regional bodies, MICs, and the Ministry of Education. Often, the workers' centres assist in individual labour disputes of workers, judicial and non-judicial and attend the Labour Inspectorate Agency (SEPE) when a case is investigated. They collect medicines and necessities while providing legal aid and hosting migrants and refugees in special areas (Kapsalis, 2020, p. 73-75.)

However, dynamic interventions that concern chronic issues and issues related to migrants' daily lives, such as the acquisition of specific residence permits or Greek citizenship, are rarely noticed. There is no specific section on the GSEE website dealing with migrant issues.

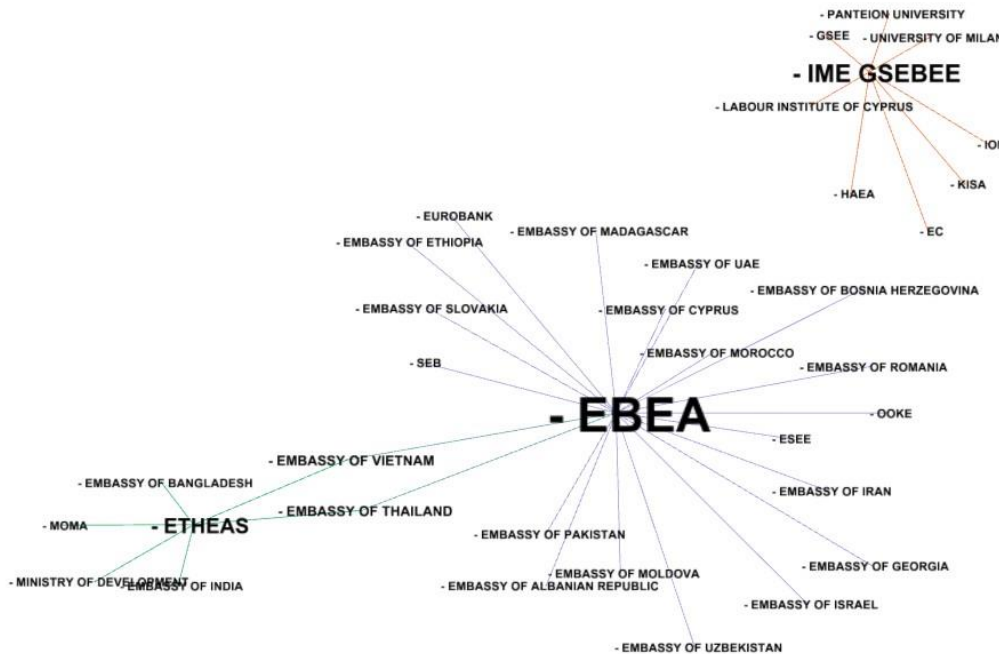
As far as employers are concerned, they are an important part of the 'metaklissis' process as the recruitment of migrants each year is made based on their applications. However, even regarding this category of favoured agents of the system, the state seems to retain control over decisions regarding migration issues. It is indicative that, between 2023 and 2024, 'metaklissis was made for 147.925 foreign workers, even though the employers' applications were for 379,165 workers (ESC, 2023.)

Employers pressured the government to initiate parallel procedures to 'metaklissis'. For example, the National Union of Agricultural Cooperatives (ETHEAS) led the discussion of the Greece-Egypt Land Workers Agreement. The National Interprofessional Table Olive Production Organization (DOEPEL) emphasized that the lack of land workers has disastrous repercussions; for the olive harvest season of 2022–2023, agricultural income decreased by over €27.000.000, and the country's insurance contribution losses are anticipated to have topped €2.000.000 (DOEPEL, 2023.)

Several land producers, with ETHEAS taking the lead establish networks with the relevant public authorities and private recruitment agencies in Thailand, Vietnam, Bangladesh, and

India to admit migrants. As can be seen in Graph 5.8 employers' associations often work with various embassies to find workers. GSEVEE cooperates more than the rest with other agents that research migration, while the other two don't conduct research often on migration but take a more proactive approach to the recruitment of TCNs to fill labour shortages.

Graph 5.8 The Social Network of Employers' Associations in Greece



Graph made by the author

Following landowners, other sectors also put pressure on the government to consider parallel recruitment processes for them. The Federation of Greek Industrialists (SVE) is in consultation with the competent ministries to push for parallel recruitment processes, as the biggest problem faced by the industry is the lack of administrative and technical labour (9.000 positions). SVE believes that resolving this issue can reduce unemployment to below 10% by 2027 (Papagianni, 2024).

The president of the Hellenic Federation of Enterprises (SEV), Mr Papalexopoulos, says that the shortages do not only consider skills shortage but a much broader human resources deficit that can become the biggest obstacle to the growth of the Greek economy. Not the lack of funding, not the lack of purchasing power, not the fiscal and macroeconomic context; they are as big a problem as demographics (www.sev.org, 2023.)

Thus, employers' organizations from other sectors resort to creating recruitment networks. The chambers of industry, particularly the Athens Chamber of Industry (EBEA), interact with embassies, politicians, and high-ranking officials in third countries (see Graph 5.8). Meanwhile, the chamber plays a significant role as a mediator between third countries' labour services and workers' organizations ([www. https://acci.gr/](http://www.acci.gr), n.d.).

Employers' associations emphasize that the decentralized administration should be central in approving or rejecting permits. (ETHEAS, 2023b.) To promote the integration of TCNs, employers request collaboration with stakeholders such as Public Employment Service

(DYPA) and municipalities. The necessity of collaborating with IOM and UNHCR is frequently mentioned. They frequently request a tripartite discussion with the GSEE and the Ministry of Labour (Leontitsis et al., 2020). However, these powerful agents are not able to persuade the state to decentralise the government structure.

Like other national agents with special ties to the state, employers are defensive towards NGOs. For instance, Mr. V. Korkidis, the president of the Hellenic Confederation of Commerce (ESEE), vents his frustration at the unidentified and disorganized NGOs operating in Greece, claiming they are trying to take the place of the Greek government while abusing human misery and breaking state regulations (ESC, 2017, p. 57.) However, employers in the tourism and agriculture industries frequently suggest that NGOs could assist with the recruitment process. The DYPA could organise projects, the GSEE could aid in skill development, and the NGOs could assist in registering the migrants (Leontitsis, *et al.*, 2020.) The ESC frequently collaborates with employers' associations, GSEE, and GSEVEE. The ESC even praises their initiatives and cooperation with other nations like Serbia and Bulgaria (ESEE, 2023.)

In a survey conducted by Generation 2.0 RED with companies in Athens and Piraeus to map the Greek labour market, 84% of respondents would hire foreigners, 65% of employers responded that foreigners are willing to work long hours, and 73% said they are motivated and work as many hours and for as long as asked without complaining and for a lower wage (Vouzouneraki, 2018.) Recruitment agents advertise that they can provide cheap labour to employers. "The solution to high wage costs: Migrant workers (...) If you want to hire cheap labour then the solution is here!": This call is addressed by a large law firm to its clients. Companies like this secure immigrants with all the necessary documents, without pretexts, as a solution to high wage costs and higher profits (Rizospastis, 2024.)

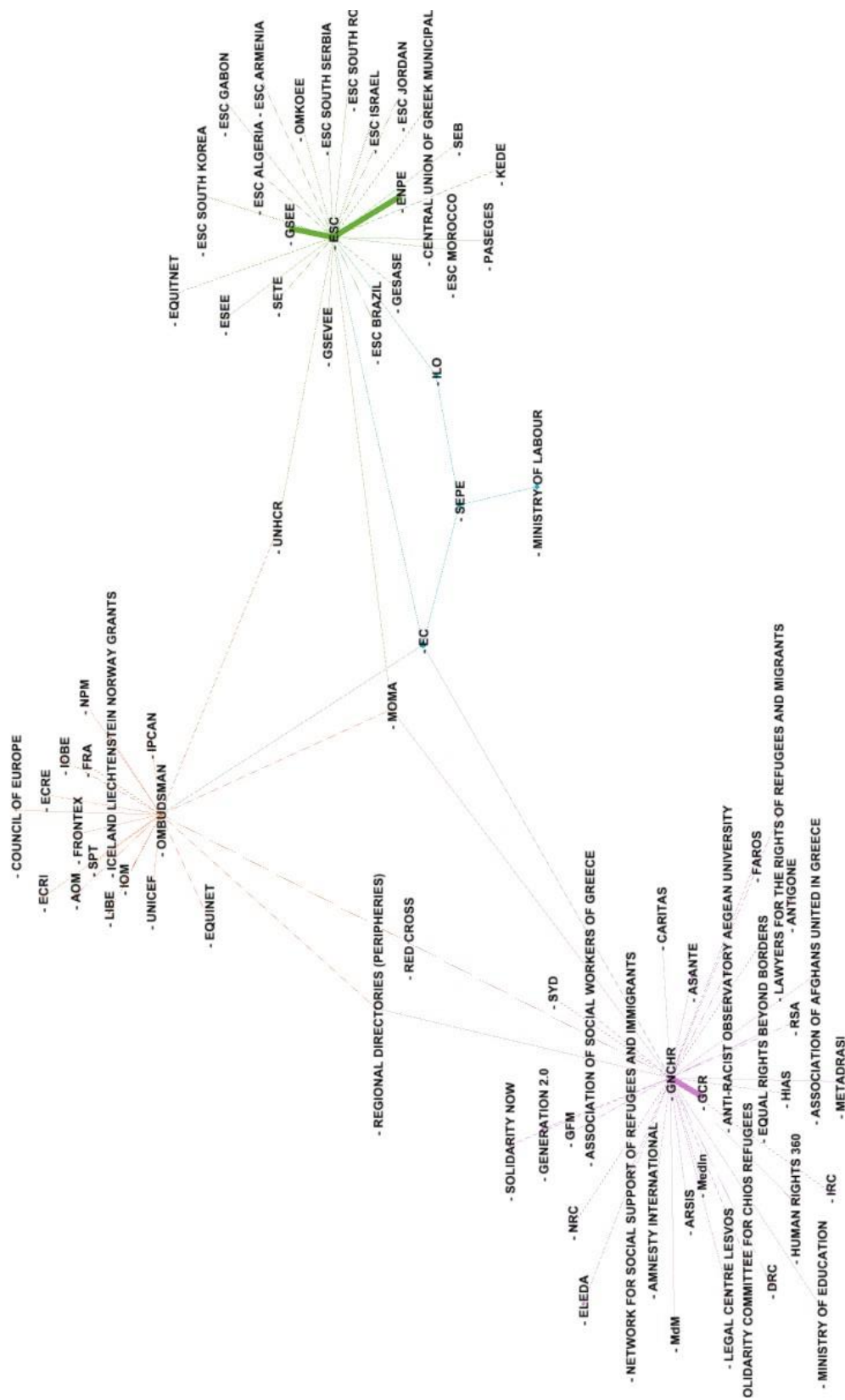
The government, at least officially, refuses to meet employers' need for more immigrants, to avoid political costs. But this does not mean that foreign workers do not come to satisfy the labour market. However, they come illegally and both employers and the state do not resist this phenomenon as the supply of cheap and hard-exploitable labour is given in this way. It is not surprising that the state does not carry out serious studies to calculate irregular migrants, nor does it give evidence of similar studies being carried out by others. However, this is a superficial and cunning way of dealing with labour shortages that does not lead to the smooth, fast, and structured entry of migrants and is manifestly contrary to the labour rights of these people, as well as to sustainable growth.

5.7 Other Agents

Since 2003, the Ombudsman has been the independent national body for monitoring the implementation of the principle of equal treatment under Directive 2006/54/EC. Since 2016 it has become the independent national body that monitors the procedures for the return of TCNs to their countries of origin following the provisions of the Returns Directive 2008/115/EC (<https://www.synigoros.gr/el>, n.d.) It carries out awareness campaigns for MRA integration, funded by the EU, and it is part of the European Network of Ombudsmen (ENO). It collaborates with civil society to obtain critical information on the well-being of vulnerable groups in Greece.

The Ombudsman receives complaints from citizens on violations of human rights. Usually, these complaints are made by individuals, while other times, migrants are encouraged by NGOs to contact the Ombudsman, but it doesn't collaborate directly with NGOs (see Graph 5.9). For example, complaints were filed to the Ombudsman because the state refused to recognise the multi-child benefit to beneficiaries of international protection as they could not present a certificate of marital status from their country. The Ombudsman pointed out to the Ministries of Labour and MOMA that the benefit must be granted by law to refugees, stateless persons, and beneficiaries of humanitarian status, given the impossibility of reaching the services in their countries of origin. Following this intervention, the beneficiaries who addressed the issue to the Ombudsman were granted the benefits and certificates by the Asylum Service, which showed their marital status (The Greek Ombudsman, 2022.) In 2017, the state issued a Social Security Number (AMKA) to unaccompanied minors and asylum seekers for the first time after the Ombudsman's interventions (The Greek Ombudsman, 2017.) Other accepted recommendations were the electronic submission for the issuing and renewal of permits to the MOMA, the unification of several resident permit categories in the 2014 Code and (in cooperation with GNCHR, the initiation of the residence permit for exceptional reasons and the immediate access to the job market for TCN family members) (The Greek Ombudsman, 2023.)

Graph 5.9 The Social Network of Independent Advisory Bodies (IAB) in Greece



Graph made by the author

The Ombudsman criticized the practice of setting national origin as a prerequisite for admission to the Armed Forces by the Ministry of Defence, as well as for judicial positions in the Armed Forces as problematic. Even Greeks by naturalisation are arbitrarily not allowed to be recruited for these positions, for the first two years of the acquisition of the citizenship. After almost a decade of continuous reports by the Ombudsman, in 2018, the ministry changed its stance and removed this condition for the judicial positions in the Armed Forces (The Greek Ombudsman, 2018.)

However, as can be seen with other agents, their influence, however strong it may be, even for institutions operating in the European context, such as the Ombudsman, is not enough to move the state from its red lines. For example, in 2021 and 2022, the Ombudsman received complaints from Frontex for illegal refoulement. Ombudsman has asked the Greek authorities to refrain from such acts, but this has not happened (The Ombudsman, 2022, p. 118.)

However, it talks about refoulement made by the Greek state, but it does not mention that Frontex has also been accused of pushbacks (the Ombudsman cooperates closely with Frontex.) As shown in the graph, the Ombudsman doesn't cooperate extensively with many NGOs but mostly with European institutions and networks.

The Greek National Commission for Human Rights is an independent advisory body established in 1998 to advise on issues related to human rights protection. It examines whether Greek law is adapted to international and European law requirements. The GNCHR emphasizes that the state frequently neglects to notify and consult it on draft laws and observes that the legislative process does not significantly use its expertise (GNCHR, 2023.)

As in the case of the Ombudsman and the ESC, the influence exerted by GNCHR is significant. For the 'metaklissis' of TCNs, the ESC and the GNCHR are consulted, and the GNCHR proposes a civil society representative for consultations in MOMA. Compared to other monitoring authorities, the GNCHR, as shown in the previous graph, is connected to NGOs and migrant networks, so its reports often reflect the findings and experiences of these actors. For example, GFM, which works with GNCHR, has discussed the necessity of introducing a permit for exceptional reasons. Together with other agents, they have pressured the state to accept this request.

GNCHR's recommendations have often been accepted, but as already mentioned, for other agents, the state sustains its red lines. For example, the GNCHR question why parallel recruitment processes to 'metaklissis' exist. It has opposed parallel recruitment for workers from Bangladesh, who can come for three months, with the possibility of extension for an additional three months, and for citizens of Albania for six months, because both are trapped in the temporality of seasonal work. Even seasonal workers recruited through 'metaklissis' stay in the country for 9 months. In the absence of a full explanatory statement for the Draft Laws, the documents submitted by the government do not reveal exactly what is needed for this new process (GNCHR, 2023, p. 13.) As has already been said, the naturalisation of the second generation from birth is another point of resistance of the Greek state that no agent has managed to overcome, not even GNCHR.

The ESC, like the GNCHR, participates in the consultation process for the 'metaklissis' of TCNs, and since 2017, it has engaged in the committees of the Sectoral, Regional and Cohesion Policy Programmes (ESPA) that approve development and social cohesion projects. The national ESCs began in the 50s and were later adopted by the European

Economic and Social Committee (EESC) by the Treaty of Rome. The Greek ESC was founded in 1994 and, like the EESC, includes employers, workers, farmers, the self-employed, consumers, civil society organisations and local authorities (<https://www.oke.gr/el/o-thesmos-ton-oke>, n.d.).

About other advisory authorities, the ESC, including employees in its composition, is quite condescending to employers. While the GNCHR and the Ombudsman criticize the behaviour of unlawful employers who resort to undeclared work, the ESC refers more often to the state's responsibility and its inability to contain undeclared work. Nevertheless, the ESC is soft with the state, often attributing its incompetence to external factors like the economic crisis (ESC, 2015, p. 53-55.) ESC often focuses on the need for further securitisation solutions through EU policies, the social integration of MRAs, and economic relief for local communities (Ibid, p. 57-59.)

The ESC has managed to get several of its recommendations accepted. The recommendation that seasonal workers should stay more than 6 months to meet the actual labour needs of employers was introduced in the 2023 Code. MRAS must have the freedom to switch jobs and specialities, considerations that have been integrated into the 2023 Code (ESC, 2023.)

However, the state's red lines remain firm. For years, the ESC encouraged the state to consider refugees and asylum seekers to address labour shortages, and therefore it suggested enhancing their freedom of mobility and access to the labour market (Ibid, p. 60.) The former is accepted, but the latter (limitation of mobility is important for transit states) is not yet discussed. This is another agent that, in vain, encourages the state to establish a more flexible mechanism of diplomas and skills recognition, and it emphasizes that independent bodies should be consulted more often for new laws, which the state disregards.

As shown in the previous graph, each Independent Advisory Body (IAB) has formed its network but also works with the other IBAs. MOMA and EC are at the centre of the network and work with all three as the EU mainly funds their projects through MOMA. The ESC cooperates mostly with other national ESCs. The other two work with their network of NGOs. The IOM, UNHCR, and other IGOs cooperate from time to time with all three. Regional authorities cooperate mainly with the Ombudsman and the GNCHR. More than 65 agents work at an average with one of the IABs, while the 3 IABs, GNCHR, ESC and the Ombudsman, collaborate with 20, 26 and 34, respectively. The importance of these IABs is shown by the 6 major classes in different colours on the graph corresponding to the biggest NGOs.

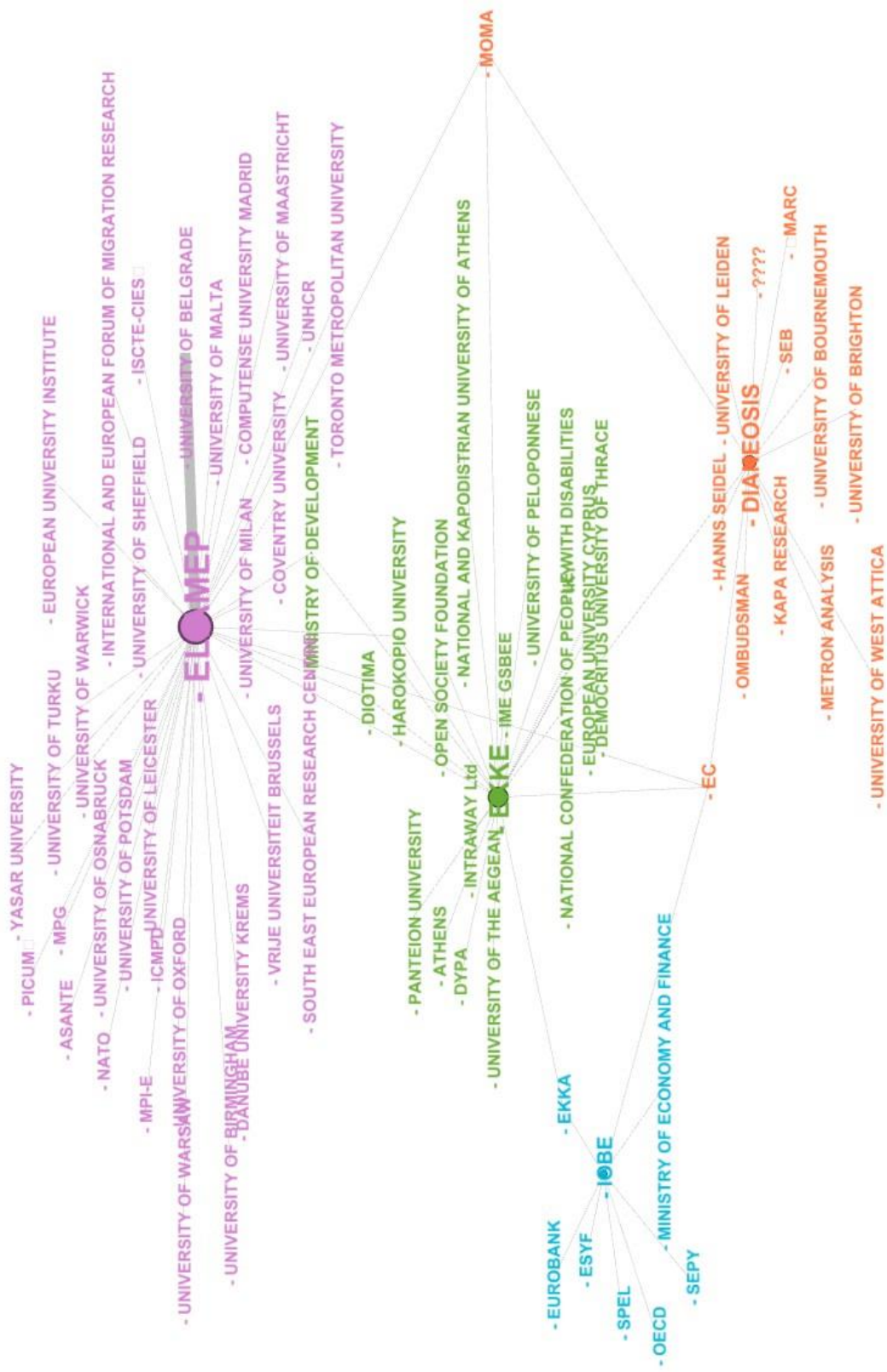
The Labour Inspectorate Agency (SEPE) is another independent monitoring authority that monitors the implementation of labour legislation and inspects employers' compliance with labour laws (<https://www.hli.gov.gr/organismos/profil/>, n.d.).

It is an independent administrative authority with a limited network abroad and no separate research on migration issues, but it is an essential authority as it monitors companies on whether they respect labour rights and hire undocumented workers. Its website does not refer separately to foreign workers' special living and working conditions. At the same time, in its reports from 2010 to 2020 on undeclared work, the format of reports is the same; even similar expressions are used when referring to foreign workers while a small part of the report is devoted to migrants. Their rhetoric has remained the same for the last 10 years. In all reports, they identify one of the causes of undeclared work as the "migration flows in the Greek

labour market”, and until 2018, they were using the outdated term “illegal migrants” (SEPE, 2012, 2013, 2014, 2015, 2016, 2017, 2018.) Most importantly, in all the above reports, the undeclared foreign workers were always a small number in the reports, fluctuating from a few tens to a few hundred for a legal immigrant population of around 800,000 in Greece.

In Greece, a limited number of research centres consult the state, conduct research, and evaluate policies. The National Centre for Social Research (EKKE) was founded in 1959 under the auspices of UNESCO (<https://www.ekke.gr/centre/istoriko>, n.d.) and is the only public research centre in Greece that influences policies to the extent that it could be said to operate as a think tank.

Graph 5.10 The Social Network of Research Institutes in Greece



Graph made by the author

Regarding governance, EKKE acknowledges that several public agencies, most notably ministries, participate in the decision-making process, adding to the system's complexity and difficulties. EKKE praises regional and local authorities' involvement in policy implementation but notes that centrally planned policymaking can cause delays and hinder the smooth integration of TCNs. The occasional involvement of other than the state agents in governance is because the state appears to be obligated to do so (Varouxi and Stratoudaki, 2014.) The central government frequently takes on the role of a buy-stander, observing the NGOs compete, while the local government lacks the freedom to take initiative (Frangiskou *et al.*, 2020; Varouxi, 2008.)

EKKE has focused on research on the role of local government in migration management and specifically on the success of MICs. Since 2008, several NGOs and IGOs have agreed with EKKE and supported that migrant communities should collaborate closely with local authorities as they are the reference point of migration policies (Frangiskou *et al.*, 2020; Varouxi, 2008.) Research shows MICs in Greece are often neglected or abandoned, and inclusion campaigns have not effectively persuaded migrants to participate in public affairs. However, limited progress has been noted on this issue.

The other two private research centres that operate as think tanks with influence on governments are the Hellenic Foundation for European and Foreign Policy (ELIAMEP) and DIANEOSIS. ELIAMEP is a non-profit think tank established in 1988 that conducts policy-oriented research on major European and foreign policy challenges (<https://www.eliamep.gr/en/about-us/>, n.d.). DIANEOSIS is a non-profit think tank that researches to promote growth (<https://www.dianeosis.org/en/about/>, n.d.).

Dianeosis takes a more critical stance towards the government and EU than ELIAMEP. ELIAMEP strongly supports Greece's European course and neoliberal policy orientation and implementation of austerity. On the contrary, Dianeosis supports that the recession in Greece bore no resemblance to the usual periodic recessions that occur during economic cycles. The freedom in fiscal policy was taken away, partly because the EU wanted to set an example for Greece (Makantasis and Valintis, 2022.) It criticizes the integration strategies that, since 2013, they are predicated on the assimilation paradigm, based on the embrace of the prevailing cultural model, and they stress that NGOs could reverse this outcome (Leontitsis *et al.*, 2020.) Due to all these, migrants use their social networks to find jobs instead of state mechanisms (Ibid, p.56.)

ELIAMEP is less critical than the other two think tanks towards the state and the EU (Anagnostou, 2016, p.31.) Greece complies with the guidelines provided by the European migration laws, although it is challenging to identify cohesive integration plans in Greece. It is indicative that ELIAMEP views the local government with greater caution than the other two do as the state does. It supports that the state has regained authority to issue and renew permits, despite municipalities' increased involvement in immigration policy implementation since 2010, citing the lack of local government efficiency (Ibid, p. 31-32.) As shown in Graph 5.10, it rarely collaborates with local authorities.

EKKE focused on migration research until 2015, then shifted to other Greek society concerns. The other two think tanks identified incoherence in migration policies, strict laws for permit granting and renewal, and the link between this strictness and irregularity (see next chapter.) The states' red lines are sustained, despite the think tanks' influence. The state is

adamantly opposed to the idea of second-generation migrants being granted citizenship by birth, even though all three think tanks view this as problematic. In addition, despite criticism from think tanks and other stakeholders, the state is still opposed to letting TCNs participate in local elections.

As shown in the Graph, ELIAMEP is the largest think tank, directly funded by the state and considered the most influential think-tank in policymaking. It collaborates with several universities abroad. Before 2014, it was mostly cooperating with Greek universities, but after the refugee crisis, it cooperated mostly with foreign universities. From Greece, Harokopio University and the University of Athens collaborate with the largest think tanks, EKKE and ELIAMEP. EKKE, the only public research centre in the field of social sciences collaborates with municipalities to conduct research. Large IGOs like UNHCR, OECD and NATO and some large NGOs collaborate mainly with ELIAMEP and EKKE. EKKE also cooperates with trade unions in relevant research. IOBE, which conducts research for business groups, has its network of collaborators. Dianeosis a new think tank, has created its network with universities. More than 60 agents work on average with at least two of these agents, while the four research centres ELIAMEP, EKKE, Dianeosis, and IOBE collaborate with 36, 21, 14, and 8 agents, respectively. EKKE, although smaller than ELIAMEP, is at the centre of the network and connects all three.

Conclusions

Greece, a transit state, during the negotiations for the directives on migration issues, has expressed reservations about the increased mobility rights proposed for all categories of migrants, even for highly qualified workers. Despite initially disagreeing, Greece has maintained a strict stance towards facilitating migrants' movement, following policies of deterrence against increased migratory flows. Greece's strict system for recognizing educational and professional qualifications leads Greece to strongly oppose provisions in directives proposing easier recognition of educational and professional qualifications. Greece expresses its reservations on long-term residence and family reunification provisions, but it rarely does so regarding provisions related to migrants' rights, mainly due to core states' similar reservations, leading smaller states to bandwagon and satisfy their demands in this way. From the above, it emerges that regarding labour migration issues, Greece safeguards its interests, which are the red lines that are reflected in its legal framework, like not facilitating the long-term stay of migrants. However, although it is not part of this thesis, as is well known when the interests of transit states clashed with those of core states, transit states could not do much to proportionally distribute refugees among member states. It seems that the room for the reaction of the weaker states is limited.

Regarding labour migration issues, the participation of states in European institutions does not mitigate their differences and does not always create a common perspective on how to address these issues. On the contrary, states assert their demands based on their interests and domestic needs, and when these interests happen to be common, the less powerful states are "tied to the wagon" of the more powerful ones.

The influence of the EU on Greece's internal affairs is also evident from the fact that the EU and the state co-finance migration projects and are therefore in communication with all agents of the network on migration projects in Greece. The state and the EU are part of the

network of all agents as highlighted by the SNA. The EU applies its control to this network, additionally through agents operating at the central European level and then at the national level such as the Ombudsman, the GNCHR, the ESC and others. These are very important agents because they are instruments of state control for the protection of human rights and the rights of MRAs and reflect the needs of this population as they have direct contact with the networks of migrants.

The above agents and IGOs are crucial in Greece's migration network, monitoring the state and participating in law consultations. They exert pressure and influence immigration policies, improving MRAs' well-being, despite not easily persuading the state to move beyond red lines. UNHCR, IOM, and Amnesty International are the most influential IGOs.

However, the Greek government has increased direct control over projects overseen by IGOs, while cooperation between NGOs and public administration is cumbersome. In 2018, the state granted NGOs legal status and created a Registry for Greek and foreign NGOs, discriminating against new and smaller ones. Critics criticise government-oriented NGOs for dependence and state-sponsored businesses. NGOs that have a European or international presence, even if they are not as large, are at the centre of the network and manage to secure adequate funding. Although less powerful than IGOs, NGOs are a means of representing foreigners.

The behaviour of agents in networks varies between Greek and foreign agents, particularly NGOs and international organizations. Foreign NGOs and IOGs form dense networks with many agents that usually come from Europe or elsewhere, while Greek organizations are less involved, and they prefer to form their own networks either with other Greek NGOs or with their own partners. Large European and international organizations, like DRC and NRC, often cooperate with each other and international organizations like IOM. Greek NGOs either prefer to cooperate with each other or only with large international organizations, making their network isolated and fragmented.

Migrant communities often rely on their members for funding and form partnerships with NGOs and IGOs to pass their demands to the states. The two networks of migrant and refugee communities, GFM and GCR, are the strongest actors in Greece, covering 40 and 10 communities respectively. The Ombudsman, GNCHR, GSEE, and some large NGOs work with both networks and are key partners for their survival. Without their help, as well as of NGOs, they would find it difficult to make their voices heard, because foreigners are not politically represented in Greece and their associations rarely receive adequate funding.

Greek trade unions have a neutral stance towards immigration. They have always accepted migrants, even irregular ones, and actively participate in refugee-migrant populations through GSEE workers' centres. However, they do not primarily cooperate with NGOs and are sceptical towards them. GSEE has stable and close cooperation with migrant associations and large IGOs and therefore emerges as an important agent in the network, under analysis.

Employers play a crucial role in the 'metaklisis' process, recruiting migrants based on their applications. However, the state retains control over migration decisions. Employers pressure the government to initiate parallel procedures and they often work with embassies to find workers. Although employers are among the agents most involved in consultations, even they lack the power to influence the state to satisfy their labour needs and increase the number of foreign workers. To save political capital, the government, at least formally, declines to

accommodate employers' demands for additional immigration. However, workers still come illegally, and the supply of cheap and easily exploitable labour is guaranteed in this way, and neither employers nor the government can stop this situation or are willing to stop it.

There aren't many research centres in Greece that carry out research, advise the government, and assess policy on migration issues. The largest of them are funded by the EU and the state, and in fact, ELIAMEP is the closest advisor to the Greek state. For the most part, although they highlight important issues concerning the welfare of foreigners, they choose not to be extremely critical of the state.

What should be pointed out is that most categories of agents have formed their network and remain entrenched in this network allowing little interaction with other agents. Especially GSEE and some research centres insist on their network and avoid many synergies. This is important because, as will be highlighted in the next chapter, GSEE is one of the few actors who understands that the EU's ordoliberal stance is a problem for the welfare of migrants and all workers, but beyond immigrant associations, it does not work closely with NGOs that believe the same. Local government is also critical of NGOs and prefers IGOs to cooperate. The network is therefore a fragmented mosaic of sub-networks that unwittingly reinforces the Euro-centric and mainly state-centric character and hierarchical governance.

The central agents are the EC, MOMA, GFM, GSEE, UNCHR, ELIAMEP, KMOP, IOM, Amnesty International, GNCHR, ESC, and GCR, which are connected to most other agents. The agents themselves assert, however, that their advisory role is merely pretextual and taken into consideration for formality reasons. Labour migration governance in Greece remains state-centric, with the Ministry of Migration and Employment being the focal point. It is hierarchical governance with the state on top and the EU asserting strong influence on the legal framework. However, below the state, the hierarchy is not that evident. There are networks of influence of different agents with IGOs and IABs with European and international presence among the strongest and bigger networks and NGOs following. Labour Unions are strong networks with ties to only specific networks.

All of Greece's local government is funded to carry out migration projects, but as has been highlighted, the lion's share is enjoyed by some municipalities and regions. Out of 332 municipalities in Greece, only 11 have established MICs. The financial dependence of local government on the state and the fact that the Central Secretaries of the peripheries are appointed by the state reinforce the state-centric character of governance in Greece.

It is worth mentioning that most agents view the EU as having a good impact on immigration policy matters because it offers a more accommodating environment for migrants, and because it provides funding for their activities. The ordoliberal character of the EU and its impact on migrant life are not given much weight in this. Instead, the state is held accountable for the problems that immigrants face in their daily lives.

The European legislation that established and reinforced many of the above non-governmental agents is what enables their presence in Greece. As a result, in Greece the phenomenon of both the state's increased control over matters on migration policy and the growth of non-governmental agents in migration policymaking is observed. Because these agents, instead of criticizing ordoliberalism, welcome EU involvement, it is understood that their presence and action reinforce the ordoliberal rules of European construction. The above

seems to reinforce the view that in Greece governance is more "Big Government" than a polycentric governance.

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Chapter 6. The views of the agents.

In the sixth chapter of the thesis, the views of the agents involved in legal migration governance will be investigated to answer the research's basic questions from the perspective of the different agents in migration policy issues. The thematic analysis will be based on the three research questions of the thesis. These questions are:

1. The implementation of the European and Greek labour migration framework and policies.
2. Whether the neoliberal/ordoliberal EU stance influences politics in Greece and how this affects the well-being of foreigners.
3. The role of the different actors in labour migration governance in Greece.

The agents included in this chapter of the thesis and the categories where they belong (NGOs, IGOs and others) are included in Appendix 1 of this chapter, at the end of the chapter.

6.1 Theme 1: The implementation of the European and Greek labour migration framework and policies.

The implementation of European and national migration policy is at the centre of agents' attention as it reflects a country's commitment to the principles governing its policies and its ability to carry them out.

The National Strategy for Social Integration 2018 sought to enhance cooperation between local, regional, and national authorities. However, the state was unable to accomplish this ambitious aim to its fullest because the resources provided were manifestly insufficient, and the projects were incoherently combined. Many agents highlight that public services are understaffed and underfunded and that there is insufficient coordination between public services (Frangiskou *et al.*, 2020; GNCHR, 2023; Anagnostou, 2016). For example, the tax collection agency (DOY) could be digitally interconnected with the residence permits' issuing services so that foreigners do not have to submit the same documents twice. However, Greece is far behind other European countries in digital transformation.

Noteworthy is the fact that many agents have identified that public services or specific employees are suspicious towards foreigners, which in some cases is a result of racist discrimination (Antigoni, 2015; GNCHR, 2022; RVRN, 2016, 2017, 2018, 2021). For example, an immigrant submitted the necessary supporting documents for renewing her residence permit to the competent authority of Thessaloniki. Even though her employer

confirmed that the woman worked at her home as a domestic worker, the head of the department proceeded with further investigation and asked for more documents to be submitted, even though this is not customary. At the same time, in front of citizens, he criticised the law requiring too few stamps to renew residence permits. Consequently, the process was delayed for months, while analogous incidents occurred repeatedly in this department. The problem stems from the state's reluctance to detect and eliminate such phenomena, leaving the management to the public servants' discretion, mentalities, or even stereotypical beliefs (Varouxi, 2008; Antigoni, 2016, 2020.)

The Equal Rights Beyond Borders implies that services may purposefully delay procedures. It cites the examples of the Chios and Kos reception, which delay the asylum application to such an extent that notable differences between the recorded date of arrival and the actual date of arrival of up to 14 days are noted (Equal Rights Beyond Borders, 2023, p. 13.) The use of the title "Anti-Illegal Immigration Departments" by the Aliens Directorate of Thessaloniki, which supervises the returns of aliens, reflects the competent authorities' negative perception of irregularly staying foreigners. In 2014, the European Union Agency for Fundamental Rights urged the MSs not to criminalise irregular immigrants by using this term.

Human Rights 360 highlights that the pre-registering of asylum applications through Skype fails to support asylum seekers as people have one hour a week to contact the Asylum Service via Skype, and even when people call at the appropriate hours, they are occasionally told to call back. In large cities like Athens, it may take a year from the time the application is received until the appointment is scheduled to submit the supporting documentation (Linnecar, 2021.)

The staff in public services sometimes lacks training, but other times are wilfully insensitive to aliens. Indicatively, civil servants transferred to migration services feel this is an unfavourable post (Varouxi, 2008.) The impact on the quality of service deteriorates and coupled with the fact that a plethora of steps need to be completed for the issuing of permits or for other migrants' issues to be settled, the system becomes a burden for TCNs.

Bureaucracy is a structural characteristic of the country's public administration that preoccupies all residents (Greek Forum of Migrants, 2014.) The following case highlights the depth of the problem: Incorrect data was submitted in an application for the issuing of 'ergosimo' where the employer appeared as a migrant worker and the worker as the employer. Even though the employer and the employee came to the competent authority to ask for correction, the Ombudsman had to intervene to settle the case. Employers often call attention to bureaucracy regarding permit' issuing and paperwork for recruitment is an obstacle for hiring TCNs (The Ombudsman, 2015.) The "Greek bureaucratic system is labyrinthine" (Antigoni, 2020) The MOMA has assumed the role of hotelier, disregarding that housing should be incorporated in wider integration projects (Ibid.)

Civil servants underline that the lack of qualified and trained staff is an important obstacle to delivering quality services. They believe that the lack of independent funding of public services undermines their capacity and signals the state's indifference towards improving the quality of services (Ibid, p. 27-28). Most staff in reception centres and borders work under temporary employment agreements at inadequate facilities.

For civil servants, the institutional framework is complex and intensifies bureaucracy as it perplexes cooperation between services. The continued amendments and the use of administrative circulars instead of regulatory acts like Ministerial Decisions, which give the acts legal certainty, combined with the often conflicting and contradictory guidelines, cause uncertainty both to immigrants and the administration. GNCHR (2021) observes long delays in issuing legislation and administrative circulars to the detriment of legal certainty and administration efficiency. For example, the draft law for the Migration Code provides for adopting 68 ministerial decisions, making it difficult for the measures to be consistent.

In 2019, the National Social Security Agency (EFKA) refused to grant Social Security Numbers (AMKA) to foreigners with residence permits who are members of a Greek citizen's family, minors, and asylum seekers with the justification that they do not work. The Ombudsman supports that the prerequisite of proof of employment is provided for in a legislative circular about EFKA of 2019, which contradicts the provisions related to the acquisition of AMKA and, therefore, it should be repealed (Ombudsman, 2019, Anagnostou, 2016.) Both documents are necessary for MRAs to access the healthcare system and other public services. This is a typical example of a confusing and uninformed service about the applicable rules. However, the results for the well-being of migrants are detrimental.

It is often that the uninformed immigrant who does not know the language well loses days of work to submit the appropriate documents to public services and is frustrated by the callousness of the servants, while the public servants perceive immigrants as ignorant and try to circumvent legal processes (Ibid, p.47.) Over half of the civil servants who responded to a survey conducted by EKKE about the public services provided to immigrants answered that the unclear institutional framework is a key factor that hinders the state from ensuring capacity building (Ibid, p. 34.)

IOM often highlights the inability of DYPA to match open positions to unemployed refugees and immigrants. Refugees often have insufficient information about the labour market and employers and lack information about TCN workers, availability, qualifications, and skills (IOM, 2023; GNCHR, 2022.) In a survey conducted by Dianeosis for the integration of migrants and refugees, an employer has said, "I don't know how to look for employers coming from the refugee population, like many other interested colleagues. We are completely unaware of this pool of workers and its prospects" (Dianeosis, 2020.) Other employers, after they had submitted a request to the local DYPA for the recruitment of refugees, came empty-handed as the service didn't even have a list of foreigners looking for work. Likewise, the Ministry of Migration and Asylum and SEPE didn't respond to analogous requests from employers (Leontitis et al., 2020.)

This lack of information also concerns other vital issues for the wellbeing of MRAs; their rights and the services and goods they are entitled to enjoy. An example is the lack of information among asylum seekers that they are entitled to the presence of a lawyer during their asylum application and for an appeal in case their application is rejected (UNHCR, 2022, Kapsalis, 2022.)

Despite changes in the administration in 2016, the public administration delays servicing applications for granting and renewing residence permits. Appointments for submitting supporting documents for the application may take 1.5 years in Athens. Consequently, TCNs live in a permanently precarious residence status. These delays are due to various factors,

including the lack of human capital and logistical support (Generation 2.0, 2020; GNCHR, 2023; ETHEAS, 2023a; DOEPEL, 2023.) Pending the issuance of residence permits, serious issues arise with other services, which face bureaucratic problems, services related to their insurance, employment, and tax profile (EFKA, DYPA, DOY.)

Research conducted by EKKE (2016) on the expert's opinions about the integration of migrants and refugees in Greece has highlighted that public services play a contradictory role in the integration of TCNs. Frontline reception and asylum services, on the one hand, act as gatekeepers who aim to limit flows, while on the other hand, they give access to public goods. These contradictory roles neglect the rights and needs of MRAs (Stratoudaki, 2016.) Due to the above difficulties, for fear of not being treated properly by the authorities, migrants and refugees turn to informal networks, most of the time ethnic and family networks, but even to smugglers to gather information and find work or housing.

After the conviction of Greece by the European Court of Human Rights (ECtHR) in 2017, for the Manolada case, the Ombudsman 2018 brought to the surface a complaint by 164 foreign land workers regarding their inadequate housing and living conditions in Nea Manolada, Ilia, following the destruction of their camp by fire. It was demonstrated by both the workers and the Ombudsman that the absence of government controls prolonged this behaviour by employers (Ombudsman, 2019, p. 69.)

Lack of monitoring is also observed regarding undeclared work. Several agents question the effectiveness of sanctions against employers partly because controls by SEPE are minimal (GSEE, 2023; GNCHR, 2021.) Even though Greece hosts thousands of irregular immigrants, SEPE inspections reveal only a few dozen undeclared workers yearly (SEPE, 2017, 2018, 2019, 2020, 2021.) In many sectors that are characterised by seasonality, the extent of undeclared work is such that most employers would face criminal sanctions if the law was unexceptionally enforced (GSEE, 2023.) Moreover, as already mentioned, the sanctions against employers are not harsh. Tolerance by the police and other local entities is not a rare phenomenon. In 2018, a Pakistani worker filed a complaint to the police against his employer, claiming that he was beaten after he asked for his accrued wages. He supports that they told him he must take whatever his boss will pay without complaints (Antigoni, 2018.)

It is particularly problematic that SEPE's inspections are limited to whether migrant workers work or reside legally in the country. Even more, if they find an irregular migrant, not only is an entry visa not issued for the migrant to find another job, but the person is at risk of deportation. The legal framework works punitively for the employees (GNCHR, 2023.)

The RVRN (2021) reports that every year, it receives complaints about the racist behaviour of civil servants. It highlights that there is no comprehensive intervention from the part of the state to address racist violence; the causes of the phenomenon are not effectively addressed (RVRN, 2021.) The Network especially underlines that since the refugee crisis, the rise of xenophobia and racist manifestations derived from the overcrowding of islands with aliens (RVRN, 2018.)

The creation of MICs is left to the discretion of the Municipal Councils. In the beginning, most of the municipalities chose to ignore the Ministry of Interior's legislative circular for the formation of the MICs or delayed its implementation for years (Varouxi and Stratoudaki, 2014, p. 43.) Some municipalities claimed that they never received it. In 2023, thirteen years

after these councils were created, only about half of the country's cities had integrated them into local institutions.

It is stressed by many stakeholders that MICs often fail to fulfil their pre-determined objectives because of lack of funding, something which reflects the state's unwillingness to accelerate immigrants' civic participation (EKKE, 2014, p. 43-45, Dianeosis, 2023, Ministry of Migration, 2022.) They often cooperate with other important local services, like healthcare or language learning services. A fundamental obstacle to immigrants' participation in MICs is the language barrier, as all the meetings are held in Greek without translators (EKKE, 2014, p. 43-45.)

It is often highlighted that there are no local immigrant organisations to represent them in MICs, and often, this role is taken by NGOs. The lack of information campaigns to raise awareness for immigrants' civic participation shows the reluctance of the state to involve immigrants in the political life of Greece. The revoke of law 3838/2010 that provided for the involvement of foreigners in local elections is discouraging, to say the least, for immigrants to participate in politics (Varouxi, and Stratoudaki, 2014, p. 43.) Moreover, the place of residence of immigrants often differs from their place of work or permanent residence due to high rents, disincentivising them to get involved in public affairs.

It is up to the goodwill of municipalities and local communities how and whether to implement migrant integration programs. Certain municipalities have demonstrated practices of excellence, like the municipality of Korydallos, home to 3,000 immigrants, where, before Law 3852/2010, it had already set up unofficial MICs to integrate this population. But these are rare initiatives the state services neglect (Frangiskou et al., 2020.)

Even though an obstacle to integration is the lack of language learning and vocational training courses, the state does not provide many programs. Although some ministries organize such courses nationwide, most are offered at the municipality level or by NGOs and international organisations. Employers support that those who design vocational training programs pay little attention to immigrants and other vulnerable groups as only a few projects are designed for them, even at DYPA (GSEVEE, 2023 b; Antoniou, 2018.)

The sluggish procedures involved in recognising the degrees and professional qualifications of migrants hinder their integration into the labour market. A reform of the recognition of qualifications that considers education models in other countries is necessary (Malamidis and Novak, 2023; Greek Forum of Migrants, 2019.) For employers, recognising diplomas from abroad and simplifying this procedure is paramount to attracting talent from abroad (IOBE, 2022.)

Older migrants, especially first-generation migrants, highlight that they feel neglected concerning refugees that gather all the attention of the NGOs and IGOs and are treated favourably by the state, as they are eligible to participate in several languages, cultural and labour integration projects (Frangiskou, *et al.*, 2020.) Neoliberalism, as it has been structured in the European labour market through 'Flexicurity,' creates conditions of separation/stratification among workers. Inevitably, when different privileges and rights are recognized between different categories of workers, friction will arise, hindering a common understanding and coordination of actions to improve the lives of all workers.

The Ombudsman in all reports, since 2013, mentions that foreigners are treated differently regarding tax exempts. In 2018, it was brought to the forefront that since the adoption of the 2014 Code, family members of Greek citizens should be exempt from residence tax since their status is assimilated to that of European citizens. Quite often, the services are lagging in implementing new laws, but four years for implementing the above provisions since the adoption of the 2014 Code is unjustifiably late (The Ombudsman, 2023c, p. 45, Kapsalis, 2022.)

Another departure from equal treatment is concerning the granting of unemployment benefits. A typical case of indirect discrimination is the suspension of Law 2961/1954 regarding the granting of unemployment benefits, which is revoked if the unemployed person travels abroad. On numerous occasions, the benefit has been suspended for unemployed foreigners who have gone abroad to visit their families.

For many agents, the ineffectiveness of the Greek administration is a clear political choice. It is a strategy that aims to manage migration flows in terms of "repression and punishment" (Varouxi, and Stratoudaki, 2014; Albanian Migrants and Solidarity Initiative, 2023; GSEE, 2023; Greek Forum of Migrants, 2018.) This choice determines the outcome and the quality of services to such an extent that these dysfunctions have been lingeringly ongoing for years and have been adopted by all governments.

The above analysis shows that regarding the dysfunction of the state apparatus, the agents identify similar weaknesses.

6.2 Theme 2: Whether the ordoliberal EU stance influences politics in Greece and how this affects the well-being of foreigners.

The agents' view of the state of play of the legal framework on migration can show whether it has improved or not and what factors and agents are driving this development. At the same time, the level of influence of the European legal framework on the Greek legal framework will be revealed.

A turning point for the Greek legal framework on Migration was the adoption of Laws 3386/2005 and 3536/2007, which formulated the general conditions for issuing and renewing residence permits and allowed for the first time the purchase of stamps to facilitate the process (EKKE, 2014, p. 34.) One of the most important problems that immigrants face is the difficulty of renewing their permits in an environment of economic instability because stamps are difficult to collect (EKKE, 2014, p. 34.) EKKE supports that the above laws signal a shift of the migration policies from an emphasis on circular migration to the facilitation of long-term residence, even though various difficulties for issuing and renewing permits remain.

The 2014 Migration Code facilitates the process for issuing and renewing residence permits by shortening the list of permit categories and lengthening its duration (Frangiskou *et al.*, p.64; the Greek Ombudsman, 2020) and similarly the 2023 Code improves the process further by increasing the first permits' duration from 2 to 3 years, and by allowing the change of purpose of stay during residence (GNCHR, 2023). However, agents point out that the centrality that characterizes the system of issuing/renewing permits delays the procedure and almost completely cuts off the peripheries and the local community from deciding on the volume of foreigners and migrants to be admitted in the region. The 2023 Migration Code has increased the permit categories and has further centralised the permit issuing system.

Agents salute that the EU Directive for the long-term residents is transposed in the Greek law, in 2014 and accept that the status of these aliens has improved accordingly. They approve of the decision to facilitate granting long-term permits to other categories of immigrants, such as Blue Card holders and holders of permits for exceptional reasons (EKKE, 2014; GNCHR, 2021; Tsitselikis, 2018.) The 2014 Code facilitates the acquisition of long-term status by reducing the required years of continuous residence from 10 to 5. However, the GFM (2014) stresses that residents in the country for decades may have never obtained a long-term residence permit either because they couldn't collect the required stamps every year because of the prerequisite of continuing residence or because they might have lost their permits as the maximum allowed periods of absence from the country are short. They point out that tens of thousands of people who lived legally for years or even decades in Greece are either not recognised as long-term residents or, if they are, due to the strictness of the prerequisites for renewal, they might lose their permits. As the forum says, "It (the process) leaves the majority of immigrants out of the system"(GCR, 2018.)

Agents welcomed the creation of the three-year residence permit for exceptional reasons in 2014. This permit is granted to irregular immigrants after seven years of residence (Frangiskou et al., 2020; GCR, 2018; Tsitselikis, 2018; ESC, 2015, 2017, Anagnostou, 2016.) This permit became one of the main venues for legalisation that supports long-term residence. However, it is difficult to prove residence for seven years when someone works and stays irregularly in a country. As has already been pointed out in Greece, even legal immigrants find it difficult to renew and maintain residence permits, especially during the economic crisis when unemployment does not allow them to collect the required number of stamps for the renewal of residence permits. Agents agree that the pathologies of the system persist as both the recruitment procedure for the first permit (*metaklissis*) is ineffective and the number of stamps for the renewal of the license is still prohibitively high in conditions of economic crisis and widespread undeclared work (GNCHR, 2020, 2021, 2023; the Greek Ombudsman, 2020; Anagnostou, 2016; ESC, 2023.) The framework that covers the '*metaklissis*' is "inflexible and inapplicable" and it is a major factor that thousands of irregular immigrants, employed under conditions of labour exploitation, exist (GSEE, 2017.)

ESC calls for an upgrade of its role and the role of other stakeholders in the preparatory work and consultation procedures of the '*metaklissis*' process and simplification and acceleration of the '*metaklissis*' through digitization and connection between DYPA's unemployment lists and employers' analogous digital platforms. ESC's role can be reinforced by its participation in the consultation process at the regional level so that it can directly comprehend the labour market needs. A dialogue should be maintained between the peripheries, the central government, and various stakeholders (ESC, 2023.) IOM underlines that the inability of public employment services to match labour shortages to foreign workers reflects that both TCNs and employers lack information, which hinders decision-making throughout the whole '*metaklissis*' process (IOM, 2023.)

Employers' organisations often call the attention of both the MOMA and the Ministry of Development to the paradoxes of the system of '*metaklissis*', mentioned above (EBEA, 2020; ETHEAS, 2023a, 2023b; DOPEL, 2023; SEV, 2023.) They highlight that they should be further involved in the '*metaklissis*' because they already informally use their network to coordinate with employment services and officials in other countries to facilitate the recruitment of foreigners. For example, ETHEAS keeps contact with the competent

authorities in Albania, Bangladesh, India, Thailand, and Vietnam to recruit seasonal workers, and EBEA mediates between public and private labour services in various countries around the world and employers in Greece. According to employers, recruitment often relies on the personal networks of the company, which at the local level almost always involves NGOs or former workers. IOM is frequently highlighted by employers as a helpful agent for recruitment (Leontitsis, *et al.*, 2020.)

Noteworthy is that agents accept that there are parallels to ‘metaklissis’ processes, but they approach this through a different prism. Employers don’t discuss this externalisation of ‘metaklissis’, but other agents point out that these parallel schemes (bilateral agreements and temporary legalisation of irregular immigrants), undermine policy coherence and intensify the fragmentation of the legal framework (GNCHR, 2022, 2023; ESC, 2015; GCR 2023 a; GCR 2023 b; DRC, 2021.) Parallel recruitment processes deepen the dependence of workers on the employer and keep immigrants in status between illegality and legality, due to temporality, creating workers, with different labour rights. The GNCHR raises the question of the scope of a parallel recruitment process even though a new Immigration Code has been adopted (GNCHR, 2023, p. 11.) The GRC (2023 a) observes that as sea flows increase, the government speaks more often about the need to ensure legal routes for migration. Thus, the government does not change its neoliberal stance, but "reality and realism prevail" (GNCHR, 2023 a); therefore, the need for more workers leads to adopting parallel recruitment processes, which offer only the minimum of rights to foreigners. Most migrant organisations insist that recruitment through bilateral agreements and the temporary legalisation of irregular workers is not immigration policy but pure immigration management (GRC 2023 a; GFM, 2014.)

Immigrants' integration into the labour market does not guarantee professional growth and personal fulfilment; immigrants are often trapped in low-wage, low-skilled positions that frequently do not align with their skills. The social capital of immigrants is underutilised (EKKE, 2014, p. 47.) Especially during the economic crisis, immigration has offered a low-cost, flexible labour force that has helped companies survive from closure (Frangiskou *et al.*, p.64.)

Seasonal workers are trapped in low-income and even destitute conditions. They often do not have health care or pension rights, meaning they are classified as second-tier workers (ESC, 2023; GNCHR. 2020, 2022.) The strengthening and increase of parallel recruitment procedures after the outbreak of the pandemic created different speeds of seasonal workers, a population that is already low-paid and sometimes entrapped in undeclared work conditions (GNHCR, 2023; Vouzouneraki, 2018; (Papayannakis, 2023). GNCHR 2023) points out that the expulsion of seasonal migrants after the end of nine months lengthens seasonality. The increase in the duration of stay from six to nine months in 2013 is undeniably a positive step, but that doesn’t end their dependence on employers, as their status is in limbo after the conclusion of their contract.

ESC believes that the situation in the labour market is explosive. Shockingly, “most foreigners in the country reside without papers, while the risk of further delegitimization of residence status has not been eliminated” (Kassimis, 2017.) It cites that the OECD estimates that only 50% of Greece's 1.2 million migrants had a valid residence permit in 2017 (Kassimis, 2017.) ESC supports that the state should increase the maximum duration of stay

of seasonal workers for the additional reason that the needs of employers can be better served (ESC, 2023.)

It is noteworthy that employers' organisations, even though they acknowledge that seasonal workers are among the lower-paid workers, also stress that their admission for seasonal work and the parallel recruitment processes are beneficial for them. For example, ETHEAS supports that regarding the recruitment of workers from Egypt, Egyptian workers should be "pleased" with the minimum wage under the Greek National Collective Labour Agreement, as the salary in Egypt is much lower than in Greece (ETHEAS, 2023a, 2023b.)

GSEE supports 'ergosimo' as one instrument to curb undeclared work and highlights its importance for migrants, as the employees covered by it are mainly immigrants. However, the state disconnects two inextricably related issues, undeclared work and "the rigid and unfair labour migration framework" (Kapsalis, 2015, p.19). Besides the inspections by SEPE, which are minimal, the state does not provide tax incentives to employers to restrict undeclared work. GSEE underlines that undeclared work does not preoccupy only the newcomers but also those who reside long-term and legally in the country (Ibid, p.20.)

In comparison, Blue Card holders are treated favourably. Most agents focus on foreign workers who are on the backburn of social strata. Employers' organisations and research linked to entrepreneurs set their focus on highly qualified workers to attract more from abroad. IOBE takes a neoliberal stance highlighting that the Blue Card holder enjoys equal rights to the country's citizens in terms of working conditions but not in terms of mobility, as the holder has only short and long-term mobility rights, which needs to change to address labour market asymmetries. IOBE considers that the European and national laws are restrictive regarding the Blue Card holder's rights and, therefore, harmful to growth (IOBE, 2022.) It supports that Greece should have adopted more favourable provisions for highly qualified workers, as the EU allows it to do so, and it expresses its satisfaction that the two legal frameworks are converging (Ibid, p.119.) SEV and EBEA, based on IOBE's research, highlight the need to facilitate the admission of these workers.

Agents underline that foreigners who have been denied the status of refugee are among the aliens at the highest risk of poverty, as they are obliged to work irregularly (Amnesty International, 2017; GRC 2023 a; GFM, 2014; UNHCR, 2015.) Therefore, they welcome two permits provided for those who failed to obtain refugee status: the permit for humanitarian reasons and subsidiary protection. However, this has occurred out of necessity because it is nearly impossible to return those people to their country of origin for reasons of force majeure.

Thus, since 2021, the status of these aliens has remained in limbo since the permit for humanitarian reasons has been abolished, even though the Common European Asylum System (CEAS) stipulates that making an application for international protection is a right of aliens (GNHCR, 2023; UNHCR, 2015.) This permit was the single point of contact between two entirely different systems: migration and asylum (Linnecar C. 2021.) This decision reflects the propensity of the Greek state to criminalise illegal residence, regardless of its motive (need for humanitarian protection.) UNHCR (2023) reminds us that in 2018, the European Parliament called on Member States to transpose the provisions for humanitarian protection into national law. Agents support that reducing the waiting period for work for asylum seekers from one year to six months is a step in the right direction. However, in these

six months, due to a lack of resources, they will be obliged to work illegally (Human Rights 360, 2021; GFR, 2021; Linnecar, 2021.) Indirectly, the state creates a condition of illegality in the labour market. Employers don't express an opinion on these issues, but they have voiced their support in considering all MRAs for filling labour shortages (ESC, 2017.)

The right to file an appeal if an application for international protection is rejected was abolished in 2020 (it was abolished for all rejected asylum seekers in 2021.) Under article 22 of law 4375/2016, the possibility of granting a residence permit for humanitarian reasons for asylum seekers whose application had been submitted by no later than 31.7.2012 and whose examination was still pending at the second instance was also abolished (Linnecar, 2021; Human Rights 360, 2021.)

Even after obtaining refugee status, problems persist. Migrants as well as international protection beneficiaries must wait a long time for their residency permits to be issued and renewed because the insurance number AMKA and access to work and health care can be delayed for months, creating another pool of workers who work illegally. Due to this delay in issuing AMKA, those eligible to obtain a permit for subsidiary protection of one year or seasonal work will get a license that expires in only a few months (Human Rights 360, 2021.)

Analogous is the stance towards second-generation immigrants. Children born in their parents' host country "experience migration daily through their parents" and their interaction with society. Without citizenship, they face "internal borders of cities", they are excluded from moving up the ladder and are trapped in lower strata (GFM, 2014.) The rules that govern the status of second-generation migrants "introduce the law of the territory into the sphere of the exclusivity of the law of blood" (Ibid), and for GFM, the fact that the second-generation doesn't take citizenship from birth, this is "cradle racism" (GFM, 2007a, 2007b, 2014.) It is positive that in 2023, the second generation became eligible to obtain a ten-year residence permit (The Greek Ombudsman, 2023b, 2023c.) These children should not be connected to the status of their parents as they are brought up and born in the host country; they should be naturalised by birth (GNCHR, 2023; GCR, 2018, 2023a, 2023b; GFM, 2014.) ELIAMEP points out that all the governments take a similar view concerning second-generation integration. In 2015, SYRIZA government adopted stricter rules than their predecessors for second-generation immigrants to obtain citizenship, among others, by raising the number of years they must attend school from six to nine years.

The migrant population in Greece is below the OECD average regarding political involvement, income and benefits, housing status, and citizenship (Frangiskou, *et al*, 2020, p. 63.) Greece requires a maximum of years of consecutive residence in the country, regarding what is foreseen by the EU law, to grant citizenship to foreigners (five years.) One of the major problems in integration is that there is little effort on the part of the state to organise structured Greek language and culture courses on a wide scale that will concern all peripheries of the country, especially when this knowledge is necessary for both labour market integration and naturalization. Anyone wishing to learn Greek resorts to migrant communities, NGOs, IGOs or municipalities. The need for Greek language lessons is so great that people must spend months on waiting lists. GFM point out that the volume of material (Geography, History, Culture and Political Institutions of Greece) for the exams for naturalisation is overwhelming (964 pages) (GFM, 2014, 2018, 2019.) The introduction of knowledge tests for naturalisation is acceptable by agents, but assessment based on

interviews, without the participation of at least one external observer, is criticised (The Greek Ombudsman 2020, 2021.)

The agents focusing on the rights of foreigners living in Greece, especially immigrant associations, strongly point out that changes in the pension system devastated the living standards of workers, especially migrants. Law 4387/2016 on pensions, while ostensibly treating Greeks and immigrants in the same terms, is discriminatory. The minimum pension is obtained after 20 years of work (15 years before) and 40 years of legal and permanent residence. With the 2016 law, those who cannot secure the minimum retirement requirements can take the Social Solidarity Allowance for Uninsured Elderly, which is an allowance that can be revoked at any time. This can be received by immigrants with 15 years of legal residence, of which at least 10 consecutively. However, most immigrants cannot meet these conditions, as it is often that they don't renew their permits and they stay illegally for several years. Seasonal workers return to their country after 9 months, even though they may have worked in Greece for decades. The condition of 40 years is "a time bomb in the foundations of social cohesion" (Albanian Migrants and Solidarity Initiative, 2023; the Ombudsman, 2023a, 2023b; GCR, 2018.)

Equal treatment in the labour market and the right to equal pay are provided in both the EU and national law. Thus, exceptions to the acquisition of benefits and study loans and the fact that immigrants are often paid less than nationals for relevant jobs circumvent this right (EKKE, 2020; the Greek Ombudsman, 2017, 2018, 2019.) Immigrants do not replace the local workforce. Instead, they take on poorly paid jobs and for the same task, immigrants can be paid up to 50% less than nationals (Frangiskou, 2020, p. 64.) They work in labour-intensive sectors, which have faced the largest income decreases after 2008. What is particularly highlighted is the systematic violation of minimum wages for land workers, both foreign and native, which creates an environment of arbitrariness (GSEE, 2017.)

The RVRN reports annually incidents where not only are migrants paid poverty wages, but when they claim their rights from employers, they may suffer physical violence or when they claim them from public services, they either face a stiff, bureaucratic mechanism or indifference of employees (RVRN, 2016, 2017, 2018, 2019, 2021). DYPA and EKKE have surveyed the vulnerable social groups of DYPA (among which are migrants) to research their integration into the labour market. Migrants, Refugees, and repatriates, around 60% believe that they face to some extent discrimination in terms and conditions of employment, while 58.7% support that they are discriminated against in terms of equal pay and additional earnings (Balourdos, 2014, p. 68-74.)

Employers view the differences in payment between migrants and nationals through the prism of lower cost of production. They set their focus on the fact that immigrants accept lower wages than Greeks, and they highlight this as an important reason to employ them (Kapsalis, 2022.) Human Rights 360 conducted research with companies employing at least 1 refugee/migrant. 62% of these companies have answered that the primary reason to recruit foreigners is for positions shunned by Greeks (62%.) One-third of these companies highlighted the lower cost as an equally important factor, along with the fact that they are a flexible labour force, which is not selective regarding tasks, they work as many hours as they are asked, because according to employers, "they have the will to succeed". The skills of migrants are important for recruitment for 24% of employers, lower than the labour cost factor (Human Rights 360, 2021a.) As already mentioned, ETHEAS supports that the

Egyptian seasonal workers should be satisfied with the minimum wage, as they are paid way less in their country (ETHEAS, 2023a, 2023b.)

There are agents, mainly employers, who argue that the integration of immigrants is, to a significant extent related to their effort, which reveals a neoliberal stance (ETHEAS, 2023a, 2023b; IOBE, 2022; Athanasiadis, 2023; Anagnostou, 2016). They say that if foreigners show the necessary willingness to integrate into the labour market and Greek society, they will succeed. However, as mentioned above, this ‘willingness’ means to accept flexible conditions of work and pay (Human Rights 360, 2021a.)

Law 3838/2010 granted TCNs the right to vote and run for office in local elections. However, in 2013, the Greek Supreme Court, the Council of State, ruled that these provisions were unconstitutional because the requirements, foreseen by Greek law, for obtaining Greek citizenship do not ensure that foreigners have established meaningful relationships with the country. It was supported that the state's national character was compromised by granting TCNs local voting rights even though these are already granted to EU residents. (Anagnostou, 2016.) This was a major setback for effective integration, a setback for decentralized governance and a deliberate effort to keep decisions away from people (Anagnostou, 2016; GCR, 2023B.)

It is not strange that foreigners are indifferent to their participation in political life. Often migrants prefer to join their ethnic communities. Sometimes these are "extreme authoritarian and exploitative" communities that discourage them from joining a wider socio-political group. The ethnic communities are built in hierarchies that reproduce the communities' structure in their countries of origin. Moreover, the fragmentation of migration organisations is not helping migrants become more extroverted. Instead, they remain secluded in an ‘autistic’ way of thinking revolving around issues related to their communities. Strikingly, only 2% of migrants are interested in being politically active and participate in a political party. (Leontitsis, *et al.* 2020.) What often happens is that every organisation representing an ethnic group of migrants tries to solve problems independently, even when they participate in fora organised for migrants (GFM, 2007a.)

For the agents, migration policies are unclear, complex, outdated, and fragmentary, as they are constantly revised, something which allows for different interpretations to emerge from different agents. Policies are opportunistic, based on ad-hoc inadequate interventions, imposed by the government and public services without understanding their impact either on migrants or the host society (EKKE, 2014; Kapsalis, 2015; Kapsalis, 2022, GNCHR, 2021, 2022, 2023.) The main problem is the lack of strategic planning and the avoidance of frequent consultations with different stakeholders. Governance is organised centrally, and other actors are occasionally involved, mainly because the authorities are compelled to include them. A governmental awkwardness and perplexity (for all governments) derive from the fact that it is forced to introduce European rules and implement an a priori approach to dealing with the migration issues, while the state mechanism has always practised a posteriori and, therefore, superficial solutions to problems (Frangiskou, 2020.)

The state has built a hostile, repressive and exploitative system of admission that aims to prevent future migration (GSEE, 2017, 2023.) Migration policy in Greece is a "survival strategy" aimed at repression rather than integration, as migration is viewed through the lens of temporality and “historical abnormality” (Varouxi, 2008.) The strictness in government

policies is deliberate, and it aims to contain the flows of TCNs. Policy making reflects the balance of interests and it is determined by political cost. This clientelist attitude has also developed in public services and hinders the smooth participation of immigrants in the socio-political.

Many agents point out that TCNs are seen as a low-cost, flexible labour force that supplements locals but is paid poorly (Frangiskou, 2020; GSEE, 2023; Leontitsis et al., 2020; Tsitselikis, 2018.) They are necessary for the survival of businesses because they work without complaining and for as many hours as they are asked to. As already mentioned, these characteristics incentivize employers to hire them.

The integration of foreigners depends on the residence status of the migrant. For example, it neglects the needs of irregular migrants, asylum seekers and seasonal workers, resorting to ad-hoc, exceptional efforts of legalisation, like amnesties and bilateral agreements with third countries (EKKE, 2023; Human Rights 360 2021a; GNCHR, 2021, 2022, 2023.) Both the national and the European legal framework prioritise the integration of legal migrants and treat them more favourably than the rest. Particularly problematic is the reluctance to conduct controls to tackle undeclared work. This perpetuates an environment of labour brutality and systematic violation of minimum wages for land workers, both foreign and native, which creates an environment of arbitrariness (GSEE, 2017; DRC, 2021.) This selective approach and stratification of migrants happens willingly by the state, deepens their vulnerability, creates multiple-tier labour, and discourages them from coordinating to claim their rights (GSEE, 2023; DRC, 2021; Equal Rights Beyond Borders, 2021, UNHCR, 2015, Amnesty International, 2017, 2018; Human Rights Watch, 2018) Even IOBE and employer organisations accept that immigrants are unable to negotiate the terms of employment, resulting in the deprivation of basic labour rights, such as health care and pensions, while it is easier to conceal the work of immigrants from the authorities because they are more tolerant to undeclared work (IOBE, 2012; GSEVEE 2023.)

It is worth noting that it is mainly the labour unions and some migrants' associations that point out that all employees have suffered from the EU austerity. After the 2008 financial crisis and the bailout agreements, the increase in unemployment forced the workforce to a silent acceptance of the violation of labour rights and, by extension, to the resignation of claiming even the minimum labour rights. Things are even more difficult for migrants, who experience extreme poverty and show even less willingness to resist employer delinquency, and exactly because they tolerate this behaviour, they serve to discipline the rest of the workers (Kapsalis, 2015; INE GSEE, 2017, 2023.) It is a failure of all Western European migration policies that they are not capable of guaranteeing migrant populations access to stable employment (Kapsalis, 2022.)

Most of the agents view positively the influence of the EU legal framework and they don't connect the predicaments faced by migrants to the difficulties encountered by local labour. They point out that the impact of the EU is positive, mainly in terms of establishing the legal framework for protecting TCNs residing and working in the state. They emphasise that the EU based on the principle of non-discrimination, has sought to grant rights comparable to those of EU citizens in economic, social, and cultural life (Anagnostou, 2020; Varouxi, 2014; Afouxenidis, 2012; Leontitsis et al., 2020 apo dianeosis, IOBE, 2022), even though it is complex, and it provides for exceptions to rights. IOBE supports that the EU's labour strategy, the bailout agreements and migration policies influenced positively the Greek

economy as it significantly decreased unit labour costs, increased the usage of flexible work arrangements, and slowed the unemployment rate dynamics (IOBE, 2012, 2022.)

It is noteworthy that agents that are more intertwined with the state, such as the Church and the authorities of the peripheries, have a critical attitude towards European policies, but not regarding the protection of immigrant workers, but regarding the absence of a common asylum policy and quotas that could distribute refugees among European states. Sometimes their statements could even be described as racist. The Church while many times refers to the need to integrate refugees and migrants, other times makes statements like Christians are real fighters as they don't immigrate from Syria as refugees to Greece and Europe because if they did, it would be exploited by the centres of power of the 'red oligarchs of wealth' to make refugees likeable (The Greek Church, 2016; 2023.) Likewise, the President of the Union of the Greek Peripheries, Mr. Agorastos has stated that in Greece "There are Greek people who are in poverty even if they have paid taxes, and created national wealth. I would like us to stand with great respect next to these people and create a financial tool, from the European Social Fund, to help Greeks who are also in a very difficult situation and not only migrants." (ENPE, 2019.)

6.3 Theme 3: The role of the different actors in labour migration governance in Greece.

The European Union is highly influential in governance structure by providing the legal framework for the protection of third-country nationals. Funding either to the state or directly to IGOs and NGOs solidifies the presence of agents like civil society, which, even though it existed before, is more involved after the refugee crisis (Frangiskou, 2020; Afouxenidis, *et al.*, 2012; Anagnostou, 2016.) MRAs themselves, especially recent MRAs who arrived after the 2015 refugee crisis, highlight the EU's role as important for many aspects of their life, like finding a job and housing and developing professional skills. Older migrants/refugees view the state's role as more important than the EU since the EU involvement before the crisis was not that dynamic and drastic (Leontitsis *et al.*, 2020.)

The EU influence is evident, but INE GSEE (2017) points out that the regulations emanating from the EU are incomplete and flawed, as it does not ensure a priori the equal participation of social partners in both policymaking and policy implementation. Therefore, the EU becomes co-responsible for the central governance structure. Even where policy implementation is now decentralised, such as the reception of asylum seekers, in a neoliberal environment, it intensifies the exploitation of this vulnerable group by agents, like employers, lawyers and local companies that sell products/services to MRAs at high prices.

European influence may have had a positive effect, on migration issues, especially in terms of creating a more comprehensive legal framework that incorporates the principle of equality, but with 'austerity' that is prevailing in the EU economic strategy and 'flexibility' that permeates the EU's labour strategy, it is difficult to keep pace with respect for labour rights, either at European or national level (GSEE, 2017, 2023.)

Agents recognise the complexity of the governance structure and the difficulty in making decisions, as various public entities, mainly ministries, participate in decision-making regarding all aspects of migration policy (EKKE, 2014; ENPE, 2018, 2020; IOM, 2019, 2022; Balourdos *et al.*, 2019.) They welcome initiatives like the establishment of the one-stop

service, and they support that further decentralisation would reduce or eliminate administrative problems (ENPE, 2015, 2017; Varouxi and Stratoudaki, 2014.)

According to IOM, decentralised mechanisms could enable local authorities to address everyday issues like rental market inaccessibility, which limits job opportunities (Kapsalis, 2022.) ELIAMEP highlights that Greece is among the few EU countries offering free health care services to legal and illegal immigrants. Even though laws in 2005 prohibited irregular immigrants from using public services, they were allowed to use health care services. ELIAMEP asserts that local authorities successfully pushed the state to achieve this goal through various initiatives (Anagnostou, 2016.) But it also points out that the municipalities lack funding and guidance, which renders them incapable of taking on more responsibilities. They pose as an example that even though in 2010, the municipalities were given authority to issue and renew permits, severe delays rendered the system unsuccessful, while corruption phenomena like issuing paid licences were often observed.

Migrant Integration Councils are an innovation praised by many agents (Varouxi, 2008; Varouxi and Stratoudaki, 2014), which can enhance integration, locally at first, regionally and nationally in the long run. EKKE (2014) argues that MICs were created due to local community, civil society, and mayor demands, with the EU accelerating development through decentralized mechanisms, highlighting Greece's delay in launching such practices (Ibid, p. 47-48.) MICs, despite cumbersome public apparatus, serve as bridges between public authorities, municipal councils, local populations, and TCNs.

According to Human Rights 360 (2021a, 2021b), there are a lot of entities in Greece that try to profit from migrants, refugees and especially asylum seekers. Particularly for the registration of asylum applications, the organisation points out that the decentralization of the reception and crisis management system promoted by the EU was in the right direction, but when it operates in a neoliberal environment it seeks and prioritizes profit. Neoliberal decentralisation, in essence, increases the possibility for asylum seekers and other foreigners to be exploited. Similarly, Leontitsis *et al.* (2020) suggest that funding for housing, catering, or other projects should be directed to local communities, homeowners, and businesses, rather than government-selected camp developers or companies. This way, decentralisation of the system would be meaningful and inclusive and bear fruits for both TCNs and the local community.

ESC points out that the mechanism for recording labour market needs for recruiting migrants is too centralised. It is not based on documented data as it is difficult to find them, making it difficult to accurately identify job vacancies per sector, speciality, and geographical area. ESC (2023) advocates for a new mechanism for identifying labour shortages, emphasising digitalisation, mobility, and integration of more stakeholders, refugees, and migrants, urging for an upgrade in preparatory work. Connection to DYPA unemployment lists, digitalisation, and simplification of the steps are necessary for an effective recruitment mechanism.

Agents stress that the local government should deepen its ties and maintain a dialogue with various stakeholders, like the civil society, and the peripheries (Leontitsis, *et al.*, 2020; Frangiskou, *et al.*, 2020, GFM, 2014, 2018; GNCHR, 2020, 2021; ESC, 2023.) ESC does not overlook the need to involve employers, who should also be connected to the DYPA digital system to cross-check real-time unemployment lists and record their vacancies in real-time.

Dianeosis stresses that integration into the labour market relies mostly on the personal networks of the employers, which at the local level almost always involve one of their employees, their family and other times, NGOs or IGOs. Job fairs and workshops organised by NGOs, and IGOs, especially by IOM, coupled with personal networks often serve as corrective actions to ‘metaklissis’ (Kariotis and Skleparis, 2020.)

It is a common belief among stakeholders that despite efforts to decentralise the system of governance, it remains central (Frangiskou, *et al.*; Stratoudaki, 2016; Kapsalis, 2020; Kariotis and Skleparis, 2020; 2020, GFM, 2007a, 2018, 2019, 2021; GCR, 2019c, 2023c; ESC, 2023.) The legal framework and strategy formulation are centrally organized, while local communities and peripheries are decentralized in policy implementation, with consultation with social partners often superficial and short. Particularly, the government is not obliged, apart from consulting the stakeholders, to take account of the opinion of the stakeholders.

Labour unions and MRAs stress that the state's policies are deliberately not targeted, sectoral or supported by in-depth studies to sustain the central character of the system. Lacking a substantial dialogue with stakeholders, instruments like ‘ergosimo’ fail to deliver the promised results (Kapsalis, 2015.) GSEE supports that the media often overstress the government's effort to manage migration and refugee issues and tackle employers’ exploitation. Likewise, there are surveys conducted by several ministries, especially the Ministry of Labour and SEPE, about the weaknesses and failures of policies that are kept unpublished so as not to provoke public sentiment, something which highlights the concentration of power centrally (Ibid, p.7-8.)

The Greek state doesn’t often hold lengthy consultations on draft laws or law amendments. In April 2016, the Greek state proceeded with an amendment to a Draft Law on the admission and reception of asylum seekers, which went through a consultation process that ended two months before. Despite the consensus with stakeholders, it changed the law without consulting the stakeholders. This change concerned the participation in the Committees for asylum appeals of two judges, something that the legislator prohibits as the judicial officers shouldn’t take on administrative tasks so that their independence is guaranteed (GNCHR, 2016.) GNCHR (2016) underlines that these amendments were passed after the Committees for Appeals published a statement that stressed its opposition to Turkey being declared a safe country that facilitates the return of refugees to Turkey.

IGOs and NGOs in Greece have been involved in crisis management since the 2015 refugee crisis, receiving EU funding and state support. However, they face resistance from several social partners. NGOs play a dubious role in managing migrant flows (Frangiskou, *et al.*, 2020; ENPE; 2016; 2017; 2018; 2019; The Church, 2016; GSEVEE, 2023a, 2023b.) Since 2015, NGOs have been instrumental in assisting the Greek state in managing the refugee crisis by establishing networks to aid migrants in their search for homes, language learning, and employment. However, they "went over the board" in that, at the height of the crisis, more than a hundred NGOs were stationed, meaning that "careers have been built on the refugee crisis" (Frangiskou *et al.*, 2020.) Sometimes, their employees refuse to cooperate with the state and local authorities. Their survival relies on funding opportunities, which may lead to creating artificial needs for migrants to attract more donations. Therefore, they pamper the MRAs, who become less proactive and sometimes nearly inactive, something which IOM has underlined (Frangiskou, *et al.*, 2020, p. 178; Kapsalis, 2022.) EKKE (2014)

supports that the government frequently takes on the role of a bystander, observing the NGOs compete for funding (Frangiskou *et al.*, 2020.)

Greek agents argue that funding should be more directed towards Greek social partners, authorities, and local NGOs, rather than the shadowy role of big NGOs. The INE GSEE criticizes foreign NGOs for supporting the privatization of immigration services by ministries, a trend seen in state migration policy since the 2015 refugee crisis, referring to this as the "privatization of migration." (Kapsalis, 2020.) The GSEE, often mentions "(NGOs) do business based on the refugee and human suffering" (Ibid, p. 47.) Similarly, the president of ENPE, Mr Agorastos, said that "in countries that have a structured state, non-governmental organizations cannot be financed to implement a project that the state should implement" (ENPE, 2017.) In a discussion with EU Commissioner Mr Stylianides, Mr Agorastos expressed his opposition to the deep involvement of NGOs in migration management (Ibid.)

It should be noted that the Greek and foreign agents recognize the importance of IGOs in managing the crisis and integrating migrants. Organizations such as IOM, UNCHR, Amnesty International, and UNICEF are highly praised for their contribution to migration management (Frangiskou, *et al.*, 2020, IOBE, 2022; GFM, 2018, 2021; GCR, 2019a, 2019b; OKE. 2023; Solidarity Now, 2023a, 2023b.)

According to INE GSEE, undeclared work dominated the Greek labour market after the 2008 financial crisis (Kapsalis, 2015.) It argues that the state deliberately doesn't support more monitoring and auditing from SEPE because if these controls were carried out exactly as they should, especially in the agricultural sector, most employers would appear to behave illegally. It states that this happens because of the economic and political elites' unwaveringly belief that labour is exclusively a cost and labour costs (indirect or direct) are responsible for all the problems in the economy (Kapsalis, 2015, p. 44.)

Many agents point out that employers are often exploitative of the most vulnerable labour group, foreign workers, and using softer rhetoric than INE GSEE, they mention that it is due to the tolerance of the Greek state that they adopt this behaviour (Varouxi and Stradoudaki, 2014; Leontitsis, *et al.*, 2020; GFM, 2018, 2021; GCR, 2018, 2021, 2023a, 2023 b; ESC 2023; RVRN, 2016 2017, 2018, 2019, 2021.) Nevertheless, they accept that the employer's influence in policymaking is strong, and they point out that the recruitment process is based among others on their needs.

For IOM, the importance of employers' involvement in the TCN integration is welcome and necessary. In a survey conducted by Dianeosis and advertised by IOM, employers themselves highlight the incapacity of public services to provide a reliable labour-matching system (Dianeosis, 2020) It is mainly their networks with former foreign employees or the civil society that assist them with the recruitment of foreigners.

It is worth noting that employers ask for more partnerships with municipalities, ENPE, and civil society, especially with IOM and UNHCR, with or without the participation of non-governmental organisations. Some mention that the involvement of labour unions is helpful. They make references to partnerships with the Ministry of Migration and Asylum, and the Ministry of Labour, and even though they mention DYPA, they do it with reservation, something which highlights that employers do not trust entirely public services.

Conclusion

Regarding the implementation of migration policies and the legal framework, agents agree on the inability of the state to implement them adequately and effectively. The state struggles due to insufficient resources, incoherent projects, understaffed and underfunded public services, and bureaucratic problems. Employers and civil servants cited a lack of independent funding and inadequate facilities and training as important. The lack of qualified staff and the complex institutional framework further complicate cooperation between services.

Immigrants often face difficulties in submitting necessary documents to public services due to language barriers and lack of understanding. Public servants often view immigrants as ignorant and attempt to circumvent legal processes. This lack of understanding leads to misunderstandings and rocky relations between public servants and foreigners. However, it should be noted that both foreigners themselves and agents representing them have often highlighted cases where migrants are treated in a racist way.

Agents highlight that the Public Employment Service struggles to match open positions with unemployed MRAs. Lack of monitoring and minimal SEPE controls lead to questioning of sanctions against employers, particularly regarding undeclared work. Inspections are limited and irregular migrants face deportation risks. The lack of information about MRAs' rights and entitlements is a significant concern. Despite 2016 administration changes, delays in granting and renewing residence permits persist, causing TCNs to live in a precarious status. Factors such as lack of human capital and logistical support contribute to these delays.

What should be pointed out is that for most agents the Greek administration's ineffectiveness is often seen as a political choice, aiming to manage migration flows through repression and punishment, leading to ongoing dysfunctions. This is more pointed out by labour unions and by immigrant associations. However, this is also mentioned by other agents and especially by NGOs. Importantly, labour unions and migrant associations in particular point out that this refusal to improve public services is a strategy of containment by the state to reduce the desire of new immigrants to come to the country and better manage flows this way.

Regarding the legal framework, the agents agree that in recent years with the adoption of the European legal framework, the Greek legal framework has improved significantly. However, the way it is implemented highlights the state's willingness to keep MRAs in a position of dependence on employers as their residence status continues to depend on them. The 2014 and 2023 Migration Codes in Greece have improved the process of issuing and renewing residence permits. However, agents argue that the centrality of the system delays the procedure keeps migrants in a position of dependence and cuts off local communities from deciding on the volume of foreigners and migrants. Agents support the EU Directive for long-term residency incorporation in the national framework however, it is highlighted that many long-term residents may not obtain permits due to difficulties in collecting a high number of stamps or because of short periods of absence.

Agents acknowledge parallel recruitment processes, such as bilateral agreements and temporary legalisation of irregular immigrants as necessary when the 'metaklisis' does not bear fruits but argue that these schemes undermine coherence and fragment the legal framework. These processes deepen workers' dependence on employers and keep immigrants in status between illegality and legality due to temporality. NGOs, IGOs, and migrants'

associations question the scope of parallel recruitment processes and argue that they do not constitute immigration policy but pure management. Immigrants' integration into the labour market often leads to low-wage, low-skilled positions, and underutilization of their social capital. During the ongoing economic crisis, immigration provided a low-cost flexible labour force, helping companies survive. Seasonal workers, and immigrants in low-skilled positions, who make up the majority of immigrants, often work without healthcare or pension rights and are more trapped in low-income conditions. Employers support increasing the maximum duration of seasonal workers' stay to better serve employers' needs, and they often push the state to apply more parallel to 'metaklisis' processes that form migrant workers of various speeds.

Agents assert that the EU and national laws ensure equal treatment in the labour market, but exceptions to benefits and study loans, and often lower wages for immigrants, circumvent this right. Immigrants take poorly paid jobs in labour-intensive sectors, leading to income decreases after 2008. Violations of minimum wages create an unstable environment. Employers prioritise lower cost of production and lower wages for migrants over nationals, as migrants accept lower wages than Greeks. Research shows that companies recruit foreigners for positions Greeks shun, and because migrants' work is characterised by flexibility and their willingness to succeed. Many agents, especially migrant associations, labour unions, and several NGOs point out that TCNs are a low-cost, flexible labour force that supplements locals but is poorly paid; essential for business survival due to non-complaining and staying long hours.

However, most of the agents support that the EU's legal framework has positively impacted the Greek economy, establishing a legal framework for the protection of TCNs. Particularly, employers and certain think tanks that are funded by the EU and the Greek state view the EU's labour strategy, the bailout agreements, and migration policies as positive as they have significantly decreased unit labour costs. However, only GSEE, some NGOs and the migrants' associations link the predicament of migrants both with state policies and with European neoliberal/ordoliberal policies and bailout agreements, which makes it very difficult to find meaningful solutions for the integration of foreigners since important factors remain outside the analysis.

In terms of governance, agents acknowledge that the EU significantly influences governance structures and legal frameworks for third-country nationals, shaping the process of governance. It provides funding to the state and other agents, solidifying the presence of additional actors like civil society and strengthening the state. As a result, both the state and agents such as civil society are becoming stronger and more actively involved in policymaking, which looks more like "Big Government" than multicentric governance. Although European influence has had some positive effects on migration issues, such as creating a more comprehensive legal framework, it is difficult to keep pace with respect for labour rights at European or national levels, something which reinforces the neoliberal/ordoliberal character of the EU rules.

Agents acknowledge the complexity of migration governance, with many ministries and other public agents participating in decision-making. They highlight challenges in the migrants' integration and the need for decentralisation to improve efficiency. Local authorities could

develop strategies to address practical issues, and demand for more involvement in both the implementation and policymaking phases.

Agents highlight that the state has made efforts to decentralise the governance structure, but in a neoliberal environment, it prioritizes profit and intensifies the exploitation of MRAs. Local communities and peripheries are often involved in policy implementation, but consultation with social partners is often superficial and seen as obligatory. The centrality of governance often aids the enforcement of neoliberal policies, as it prevents cooperation between different actors and groups of migrants. Agents propose that funding for should be directed to local communities, homeowners, and businesses, rather than government-selected companies. This would promote meaningful, inclusive decentralisation and benefit both TCNs and local communities.

Greek and foreign agents, especially behave differently in networks. This becomes evident when the network of NGOs and IOGs is examined. Greek organizations are less involved and would rather create their own networks with other Greek NGOs or with their own partners, but foreign NGOs and IOGs create dense networks with several agents, typically from Europe or other countries. International institutions like IOM and major European and international organizations like DRC and NRC frequently collaborate with one another. Greek NGOs have a dispersed and isolated network since they either only interact with big international organizations or choose to collaborate with one another.

However, as highlighted in the previous chapter, the agent cooperation network is fragmented with agents entrenched in their network, so there are agents such as the peripheries and labour unions that are critical of the involvement of many actors in migration policies, which further strengthens the centrality and hierarchy of the governance system. Non-governmental actors recognize that the state purposefully allows for shortcomings in the way migration issues are managed, as governance is command-driven, and the state has the final say in adopting and implementing policies.

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Appendix 1 The Agents included in the SNA analysis presented by category
 Table 1 The agents included in the SNA Analysis by category

NGOs	IGOs
Hellenic Red Cross	Hellenic Red Cross
Actionaid International	Amnesty International
Aditus Foundation	International Organisation for Migration (IOM)
Amis de L’Afrique Francophone (AMAF)	Medecin sans Frontiers (MSF)
Anglican Church in Greece και Interchurch Organization for Development Cooperation (ICCO)	Medicine du Monde (MdM)
Antigone	UNICEF
Anti-Racist Observatory Aegean University	IAB
Apostoli	Association of Mediterranean Ombudsmen (AOM)
ARGOS	Greek National Commission for Human Rights (GNCHR)
ARSIS	Ombudsman
ASANTE Africa	Economic & Social Council of Greece (ESC)
Arbeiter Samariter Bund (ASB)	ESC ALGERIA
Association for Regional Development and Mental Health (EPAPSY)	ESC ARMENIA
Associazione della Croce Rossa Italiana	ESC BRAZIL
Associazione Iroko Onlus	ESC GABON
Austrian Association of Inclusive Society	ESC ISRAEL
BK Consult GbR	ESC JORDAN

Border Violence Monitoring Network (BVMN)
 CARDET
 CARITAS
 Center for the Defense of Human Rights (KEPAD)
 CESIE

 COMPASS

 CPR Conselho Português para os Refugiados
 Catholic Relief Services (CRS)

 Cruz Rosa Espanola

 Cultural Centre Aithiops
 Centrum Wspierania Edukacji Przedsiębiorczosci (CWEP)

 Cyprus Refugee Council

 DIACONIA

 DIAKONIE
 DIESIS
 DIOTIMA
 DIVERSITY DEVELOPMENT GROUP
 DRAMA

 Danish Refugee Council (DRC)
 Hellenic Network for the Fight against Poverty (EARN)
 European Association for Social Innovation (EASI)
 Evangelische Kirche im Rheiland (EKiR)
 European Network Against Racism (ENAR)
 Equal Rights Beyond Borders
 EQUINET
 ETHELON
 European Civic Forum
 European Migration Forum
 European Public Health Alliance
 FAROS
 FEDIF
 Fondation Alta Mane
 Greek Council for Refugees (GRC)
 Generation 2.0
 Georgian Culture Centre Caucasus

ESC MOROCCO
 ESC SOUTH KOREA
 ESC SOUTH ROMANIA

 ESC SOUTH SERBIA
 European Commission
 European Union Agency for Fundamental Rights
 European Council on Refugees and Exiles (ECRE)

Employers' Associations

Hellenic Confederation of Enterprises (ESEE)
 Greek Association for Plant Protection (ESYF)
 Hellenic Confederation of Professionals, Craftsmen, and Merchants (GSEVEE)
 Federation of Construction & Construction Enterprises of Greece (OMKOEE)

Panhellenic Confederation of Unions of Agricultural Cooperatives (PASEGES)
 General Confederation of Agricultural Associations of Greece (GESASE)
 IME GSEVEE
 Hellenic Federation of Enterprises (SEV)
 SEPY
 Greek Tourism Confederation (SETE)
 Association of Producers and Traders of Lubricates (SPEL)

Embassies

EMBASSY OF ALBANIAN REPUBLIC
 EMBASSY OF BANGLADESH
 EMBASSY OF BOSNIA HERZEGOVINA
 EMBASSY OF BURKINA FASO
 EMBASSY OF BURUNDI
 EMBASSY OF CAMEROON
 EMBASSY OF CYPRUS
 EMBASSY OF EGYPT
 EMBASSY OF ETHIOPIA
 EMBASSY OF GAMBIA
 EMBASSY OF GEORGIA
 EMBASSY OF GHANA
 EMBASSY OF GUINEA
 EMBASSY OF INDIA
 EMBASSY OF IRAN

Greek Forum of Migrants (GFM)
 Greek Transgender Support Association (SYD)
 Groupe SOS Solidarites
 Scientific Association for Adult Learning (HAEA)
 Hellenic League for Human Rights (ELEDA)
 Het Nederlandse Rode Kruis
 HIAS
 Hip-Hub for Innovation Policy
 Human Rights 360
 Iceland Liechtenstein Norway Grants
 Impact Circles
 INCOMA
 InformationVerbund
 Intercultural Dialogue Platform (IDP)
 International and European Forum of Migration Research
 International Catholic Migration Commission (ICMC)
 International Centre for Migration Policy Development (ICMPD)
 International Orthodox Christian Charities (IOCC)
 International Refugee Assistance Project (IRAP)
 International Rescue Committee Hellas (IRC)
 INTERSOS
 Migration, Asylum, Racism, Discrimination and Trafficking (KISA)
 Centre for Social Action and Innovation (KMOP)
 UK Local Authority Building Control (LABC)
 Lawyers for the rights of Refugees and Migrants
 Luxemburgh Foundation
 Medical Intervention (MedIn)
 MELISSA
 MERIMNA
 METADRASI
 MigrantInnenbeirat Graz
 Migration Policy Institute Europe (MPI-E)
 National Centre for Social Solidarity (EKKA)
 National Confederation of People with Disabilities

EMBASSY OF ISRAEL
 EMBASSY OF IVORY COAST
 EMBASSY OF KENYA
 EMBASSY OF MADAGASCAR
 EMBASSY OF MOLDOVA
 EMBASSY OF MOROCCO
 EMBASSY OF NIGERIA
 EMBASSY OF PAKISTAN
 EMBASSY OF ROMANIA
 EMBASSY OF SENEGAL
 EMBASSY OF SIERRA LEONE
 EMBASSY OF SLOVAKIA
 EMBASSY OF SUDAN
 EMBASSY OF SWITZERLAND
 EMBASSY OF TANZANIA
 EMBASSY OF THAILAND
 EMBASSY OF THE NETHERLANDS
 EMBASSY OF UAE
 EMBASSY OF UZBEKISTAN
 EMBASSY OF VIETNAM

Local Government

Association of Greek Regions ENPE
 BOLOS
 Central Union of Municipalities of Greece (KEDE),
 CHANIA
 CHIOS
 Cities Network for Integration (CNI)
 FLORINA
 ARGOS
 IGOUMENITSA
 IOANNINA
 IRAKLEIO
 KALAMARIA
 Kapa Research

Nesta Italia
 Network for Children's Rights (NRC)
 Network for Social Support of Refugees
 and Immigrants
 NOSTOS
 Open Society Foundation
 Platform for International Cooperation on
 Undocumented Migration (PICUM)
 Platform INS
 PLOIGOS
 PRAKSIS
 PRO ASYL
 Projeto Tenta Italia
 Refugee Support Aegean
 Refugee Support Aegean (RSA)
 ROCKEFELLER BROTHERS FUND
 Racist Violence Recording Network
 (RVRN)
 Social Inclusion and Vocational Integration
 of Asylum Seekers and Victims of Human
 Trafficking (SaviAV)
 Seccion d'Institute de Macanet de ma Selva
 Solidarity Committee for Chios Refugees
 Solidarity Now
 Stichting Fairwork

 Stichting Vluchteling
 Support Group Network (SGN)
 SWETURK
 SYMPLEXIS
 SYN-EIRMOS
 SYNTHESIS
 Terre des Hommes

 The Shapiro Foundation
 Transatlantic Migrant Democracy Dialogue
 Ukranian Community "The Land of Stork"
 United for Intercultural Action

 United Society Partners in Gospel
 UNITEE
 ZEUXIS

 Hope for Children
Migrants Associations

 Afghan Migrants and Refugees Community
 African Network in Greece

KARDITSA
 KASTORIA

 KATERINI
 KAVALA
 KOS

 KOZANI
 KSANTHI
 LAMIA
 LARISA
 LESVOS
 LIVADIA
 NAUPAKTOS
 NEA FILADELFEIA
 NEAPOLIS

 PATRA

 PIRAEUS
 POGONI
 POLISH MIGRATION FORUM
 PREVEZA
 PTOLEMAIDA
 REGIONAL DIRECTORIES
 (PERIPHERIES)
 RETHIMNO
 RODOS
 SAMOS
 SERRES
 SPARTI
 ST. DEMETRIOUS
 Municipality Development Agency
 Thessaloniki S.A
 THIVA
 TRIKALA
 TRIPOLI
 UBUNTU, Centro Internazionale delle
 Culture
 ZITSA
Labour Unions
 Trade union of civil servants in Greece
 (ADEDY)
 Association of Social Workers of Greece
 General Confederation of Greek Workers
 (GSEE)
 Labour Institute of Cyprus

African Women Union
Albanian Community
Association of Afghan Communities in Greece
Association of Senegalese
Cameroonian Community
Community of Ghana
Community of Ivory Coast
Egyptian Community
Ethiopian Community
Ethiopian Sociocultural Centre
Kenyan Community
Nigerian Communities' Union
Sierra Leone Community
Sudanese Community

Syrian House

Research Centres

chambers of industry, particularly the Athens Chamber of Industry (EBEA)
DIANEOSIS
Foundation for Economic and Industrial Research (IOBE)
Migration Policy Group (MPG)
National Centre for Social Research (EKKE)
South-East European Research Centre

Companies

MARC
EUROBANK
HANNES SEIDEL
HELLENIC ENERGY

HERAKLEION DELTA Herakleion
INTRAWAY Ltd
Municipality Development Agency
ATHENS

Religious Organisations

Waldeshian Church
Apostoli
The Serbian Orthodox Church
The Albanian Church

Federation of Secondary Education Officers (OLME)
Palestinians Workers Union

Public Bodies

Ministry of Citizen Protection
Ministry of Development
Ministry of Economy and Finance
Ministry of Education
Ministry of Interior of Cyprus
Ministry of Justice
Ministry of Labour
Ministry of Labour Cyprus
Ministry of Shipping
Ministry of Social Integration
Ministry of Migration and Asylum
Public Employment Service
OAED-DYPA
public recruitment service (SEPE)

Foundation of State Scholarships (IKY)

Universities

Centre for European Policy Studies
University of Oxford
Complutense University Madrid
Coventry University
Danube University KREMS
Democritus University of Thrace
European University Cyprus
European University Institute
HAROKOPIO University
Instituto Universitario de Lisboa (ISCTE-CIES)
Linköping's Universitet
National Kapodistrian University of Athens
New Bulgarian University
Panteion University
University of Milan
Universite Libre Brussels
University Foscari
University of Athens
University of Barcelona
University of Belgrade
University of Birmingham
University of Bournemouth
University of Brighton
University of Leicester

University of Leiden
University of Maastricht
University of Malta
University of Osnabruck
University of Peloponnese
University of Potsdam
University of Sheffield
University of the Aegean
University of Turku
University of Warsaw
University of Warwick
University of West Attica
Vrije Universiteit Brussels
Yasar University

Table Made by the Author

Final Conclusions

This Thesis aspires to answer how labour migration governance is conducted in Greece. It studies how the EU's ordoliberal rules on labour rights and labour migration affect the Greek migration legal framework and the implementation of migration policies in Greece. In parallel it studies the Greek labour market and the role of immigrants in it, in the context of ordoliberalism and the bailout agreements that hinder the well-being of all workers in Greece. The legal framework of labour migration in Greece is put under the microscope to highlight to what extent it is affected by EU rules and how these shape labour policies in Greece. Two chapters that examine the perspectives of agents involved in migration policy in Greece map the network of agents who have worked on migration-related projects and present their thoughts on Greek migration policies and governance practices.

The Ordoliberal EU rules and the EU labour migration legal framework.

Flexicurity policy, the EU labour market strategy based on ordoliberal principles, involves strict labour market regulations to boost economic efficiency and absorb shocks, primarily benefiting employers. Flexicurity's objectives are to reduce labour costs and at the same time guarantee employee well-being, particularly for underprivileged populations. It is, at the absolute least, challenging to pursue both objectives concurrently. The role meant for underprivileged groups, especially migrants, is crucial to the strategy's execution but although, according to Flexicurity, this is for the good of these populations, for their smooth integration into the labour market, in reality, these populations, including immigrants, become useful for containing labour costs and for the discipline of other workers, since they

are more flexible in their demands and thus enhance the much-needed flexibility in the labour market.

According to the Flexicurity rationale, hindering wage restraint leads to skewed prices and limited employers' capacity to respond to shocks. In times of crisis, according to the EU supply-driven growth model, employees should accept wage reduction, based on an automatic response that limits state intervention in the bargaining process between employers and employees. Labour protection reduces job creation rates, especially among young, less educated, and migrants. Higher relative wages lead to lower employment rates. Decentralised bargaining promotes greater wage flexibility and productivity improvement. Collective bargaining hinders sustainable fiscal policies and promoting decentralised bargaining can help address this issue. A recovery in the EU labour market has been observed but has subdued wage growth.

The behaviour of "outsiders," such as MRAs, and their assimilation into the labour market, determine how well labour market reforms will work. The negotiating strength of domestic organised labour is decreased by the presence of migrants and undocumented immigrants. Austerity measures and lower benefits force potential employees to accept flexible working conditions.

EU rules (constitutionalism) focus on beneficiaries like migrants and vulnerable groups to boost labour market competition, allowing discriminatory practices, legal loophole exploitation, and violations of labour rights. The EU legislative framework on labour migration follows a similar logic, as well as it tries to deal with the challenges that the EU labour market faces. For example, the EU requires both low- and highly-qualified migrants to be admitted, as has already been indicated, but it prioritises highly-qualified migrants as they do not cost social security systems so much and work in value-added industries.

The EU's 'demand-driven system' for migrant admission is based on job offers, prioritizing the recruitment of workers with specific qualifications. This work-centric approach prioritizes economic needs over humanitarian considerations, preventing admission unless the worker is offered a job. It should be highlighted that the protection of domestic labour is given top priority in the legal framework, through the "Community preference" principle, which restricts the employment of TCNs to cases in which national labour is unable to fill open positions. This demonstrates how the EU favours demand-driven immigration policies over supply-driven or hybrid approaches. Additionally, non-EU nationals are not allowed to relocate within the EU at will or change jobs or specialities. As the legal framework developed, it became more progressive recognising more mobility and other rights to TCNs. This highlights that market needs are a key factor in the adoption of the legal framework and the policies on migration in the EU. However, especially when it comes to the mobility of migrants, the EU legal framework considers the negative sentiments of European citizens regarding the increased flows, and it restricts mobility.

The examination of the institutional framework for labour migration reveals the relationship between the strategy of Flexicurity and ordoliberalism. This is because immigrants are assigned a lower status as workers who can be used as a tool of discipline for other workers. Exceptions to the principles of equal pay are foreseen for all different categories of migrants even for highly qualified immigrants, even though it is emphasised that they should be paid equally to other workers for similar positions. In essence, only the minimum wage for all

immigrants is guaranteed. Member States can make exceptions to immigrants' benefits, including those related to vocational training or study grants, at their discretion. This is a direct link to Flexicurity, which advocates reducing benefits to act as an incentive for those who are out of the market, especially for vulnerable groups, to accept to work anywhere, even in positions below their expectations.

Migrants do not receive equal treatment to EU citizens, and there are differences in treatment between the different categories of migrants regarding admission, duration of stay, family reunification, right to permanent residency, right to long-term residence, and right to citizenship. Seasonal workers are the most vulnerable among the different categories of migrants, as they are treated under the circular migration regime and therefore, more restrictions are recognised for them. The distinction is clear when it comes to highly skilled workers and other pertinent groups who are given more freedom of mobility, eligibility for long-term resident status and other rights.

It should be highlighted that in addition to being work-centric, the legal framework for labour migrants is selective in that the migrants must demonstrate their "worthiness" to be granted the desired permit, in the sense that they should prove their ability to be integrated into both the labour market and society. Consequently, society chooses the "worthy." This is true for all permits, but it's especially true for long-term residency permits and citizenship, which have additional requirements. Neoliberalism holds that an immigrant's integration into society and subsequent advancement are fundamentally individual matters. This insistence on individual responsibility, which is found in neoliberal thinking, sets aside the obligation of the state to offer adequate social protection to people living in a state.

On the other hand, compared to economic policies, as well as economic reforms after the 2008 financial crisis, the legal framework on labour migration issues is less stringent. Many decisions are left up to state discretion, particularly those about the number of immigrants admitted in the Member States, of all categories of migrants. However, the connection of the EU labour migration legal framework to Flexicurity and the ordoliberal doctrine allows for numerous exceptions to the 'principle of equal treatment' for immigrants, thus leaving much room for the exploitation of this population for profit.

The Greek labour market and the legal framework for labour migration.

The growth duality between the EU core states and the EU periphery is evident. The EU East and South countries have significantly lower real GDP per capita growth compared to their EU North counterparts, with the gap widening during the 2007-2008 financial crisis. The EU South, particularly, has been struggling due to the economic crisis and Greece has served as a counterexample for the other Member States since it was deliberately punished by example by the European institutions.

Fiscal adjustment programs in Greece have failed to address the real economic issues, resulting in a hard-to-start economy and a lack of foreign direct investment. Greece experienced a 25.5% economic recession after 2010, with a 0.8% GDP growth in 2014. The pandemic in 2020 led to a 15.1% decline in real GDP, affecting consumption, exports, and investment. In 2021, real GDP per capita was 1% below 2019 levels, with Greece having the second lowest GDP per capita in the EU. Despite government measures, Greece remains a weak economy with debt accounting for 237.4% of GDP (GSEE, 2023.)

The labour force in Greece is expected to decrease by 6% between 2000-2030. The population has grown significantly since the 1950s, but demographic trends are under pressure due to rapid population ageing. Age groups 55-59 or 60-64 are expected to have stronger participation, while women and young people face low participation rates due to high unemployment rates (Cedefop, 2020.)

Greece's increasing supply of higher-educated workers leads to shortages in medium and lower-qualified positions. This may result in highly educated workers working in occupations with lower qualifications, both nationals and foreigners and hiring difficulties. European Member States and Greece face shortages in elementary workers operators and assemblers, with low-skilled jobs often occupied by immigrants. These manual-work jobs, particularly in agriculture, manufacturing, and transport, are often avoided by locals. However, in certain highly skilled positions in Greece, there are significant shortages that are not covered by the local population. Engineering, business, and administration professionals face more hiring difficulties due to industry size.

Migrants in Greece are overrepresented in domestic work and extra-territorial sectors, with a strong presence in construction, administration, and low and medium-skilled positions. Migrants are often employed in agriculture, construction, and tourism. They are underrepresented in education, public administration, defence, and financial activities. Migrants are more in hotels, restaurants, and manufacturing, covering positions with low and medium-skilled qualifications (Cedefop, 2020.)

Greece's economy has seen significant contributions from foreign populations since becoming an immigration country. In 2004, immigrants contributed at least 2.3%-2.8% to the GDP. From 2007-2009, their fiscal impact ranged between 0.89% and 0.98% of GDP (Zografakis *et al.*, 2008.) Immigrants complement local jobs and offer cheap labour and taxation, with their impact expected to continue. From 2006 to 2018, migrants in Greece contributed 1.24% of the GDP annually if public goods were not considered. Native-born contributions were 7.25 and -7.54, respectively. The net fiscal contribution of native-born immigrants improved when public goods were appropriated over a larger population. In Greece, foreigners financed approximately 6% of total expenditure on public goods (Damas, 2021.)

Greece fully implements Flexicurity, the EU's labour strategy, as austerity and the neoliberal reforms have changed employer protection and resulted in anti-labour policies. Wages fell across sectors during the economic crisis, in line with those of the other Balkan countries. The bailout agreements reduced senior staff remuneration, shortened the maximum notice period, made layoffs easier, increased thresholds for collective redundancies and reduced benefits. Sectoral and collective agreements may be replaced by firm-level labour agreements, which have the potential to strip employees of their trade union protections and enable wage moderation, a rationale embraced by the export-led/supply-driven model growth. Immigrants being a vulnerable group are more exploitable and can be used as a means of disciplining other workers, a role envisaged for them in the Flexicurity strategy. Many immigrants are uninsured and work undeclared. Due to their inability to complete the conditions for permit renewal during the economic downturn, previously legal migrants are forced to work undeclared.

In the same way that the EU's ordoliberal character produces the two-tier Member States, it also produces multi-tier workers with different labour rights. Greece has developed a legal framework for labour migration, under the ordoliberal stance that recognises varying rights to various immigrant groups. As a result, seasonal workers and posted workers receive less favourable treatment, whereas other categories of immigrants like the highly skilled workers—especially those with Blue cards—are treated more favourably. The disparity in rights is so great that individuals who are seasonal workers who have worked in Greece for nine months and return to Greece, for an additional nine months are compelled to live apart from their families every year for these nine months. This is the category with the fewest rights that are not easily allowed even to participate in vocational training.

What is striking is that there is no effort to accurately calculate these people, just as there is no effort by the State to accurately calculate irregular immigrants, while many of them work in sectors characterised by seasonality. The number of seasonal workers, including those admitted through *metaklisis* and those under Article 13a of Law 4251/2014, has increased by thousands each year. Additionally, workers who work illegally and seasonal workers admitted through bilateral agreements should be included. Despite Eurostat's low numbers, thousands of people fall into this category, especially if undeclared immigrants are included. Including irregular migrants, the number of seasonal workers is much higher than the state's calculations.

Even highly trained immigrants are discriminated against as they are guaranteed only the minimum wage and do not receive the same compensation as citizens, for similar positions, while nationals are not subject to limitations like being unable to change their speciality for the period that their contract is in force, or they don't face mobility restrictions. All categories of immigrants phase mobility restrictions, restrictions in changing their speciality but also in working in specific positions, mainly in the public sector. At the same time, they do not enjoy the same benefits as nationals and are not eligible for the same grants as nationals.

Migrants in Greece heavily rely on their employers for employment, as the state sets the maximum number of TCN recruitments based on employer applications. Migrants were required to submit a written employment contract and a certain number of stamps for permit renewal, which has historically delegitimised them in sectors like tourism and agriculture. The abolition of written contracts in 2014 has helped, but the high stamp requirements still hinder permit renewals. The residence permit can be revoked for an immigrant if he/she is dismissed by his/her employer and if in a permissible period of only a few months, he/she has not found a job. Seasonal workers often depend on their employer for the accommodation.

The Greek labour market experienced a significant increase in undeclared work after the economic crisis. This carries the possibility that the employer may decide not to register the migrant to contain labour costs. The validity of the residence and work permit is contemporaneous with the period of the job contract. Certain migrant categories—mainly low-skilled—do not have the option to switch jobs throughout their legal residency tenure or for a while after their contract or residency permit expires.

The selectivity element, which centres on the idea of the valuable and "worthy" immigrant in the labour market, is a key characteristic of the Greek and EU legal labour migration framework. Policymakers view obtaining a residence permit as an award to a foreign national, who only after they have demonstrated suitable behaviour can earn it. The residence

permit except for a few categories of MRAs is not connected to a dire situation that a TCN faces and is not viewed as a right. Greece applies a system that is selective and work-centric, which aligns well with the European Union's core directives, and the European Labour Strategy.

Most importantly, under the ordoliberal stance, TCNs do not participate in democratic processes. The state in 2013, repealed Law 3838/2010, which allowed TCNs to exercise local voting rights. It is noteworthy that all governments have pursued similar policies and as a result, the ordoliberal work-centric and selective character of the legal framework is well rooted in Greece.

Greece gradually transitioned from circular migration to long-term residence and has transposed family reunification rules. However, the strict system, requiring 5 years of residence, for the acquisition of a long-term residence, as well as the austere criteria to acquire citizenship and the denial to recognise citizenship to second-generation immigrants, by birth, signals the red lines of the state and is seen as a deliberate strategy to hinder aliens from residing for long in the country.

The national legal framework is undoubtedly influenced by the European legal framework as well, but how and when the state accepts and applies these EU provisions exposes, on the one hand, a shallow approach, and an attempt to retain control and impose a hierarchical demand-driven governance structure. The state has the final say on how to implement labour migration policies. This demonstrates that participation in European institutions has provided the backbone of the Greek legal framework but has not caused the retreat of the state, which maintains its capacity to enforce its will through hierarchy.

The agents' role and their views about the labour migration policies in Greece

Greece, during the bargaining for the adoption of the rules in the European Council, upholds its interests reflected in its legal framework, meaning the red lines like preventing long-term migrant residence. The fact that these concerns do not appear to conflict with the larger core states allows them to lead the process, demonstrating that the core states are those that take the first and last call on immigration matters in the Council. This influence of the EU on Greece's migration policies is also evident from the fact that the EU co-finances with the Greek state the agents that participate in migration projects, as highlighted by the SNA. In addition, the EU exercises control over this network through entities like the ESC, the GNCHR, and the Ombudsman that operate nationally, and at the European level and are key agents in the implementation of migration policies in Greece.

This demonstrates that participation in European institutions while guaranteeing that problems can be tackled jointly, is done based on the interests of the state. However, the primacy of the most powerful states in the Council is indisputable and shows that membership in the European institutions does not always forge common interests.

Greece's labour migration governance is state-centric, with the Ministry of Migration and Employment as the focal point. The state is not willing to decentralise the system. For example, decentralised authorities provided permit-granting services in 2014, but in 2023, MOMA took over, limiting decentralisation. The state administration of funded projects enhances hierarchical governance. However, as noted above the EU's influence is important making the EU another focal point in the governance structure. The rest of the agents are

less influential, but a kind of hierarchy is noted between them too in a fragmented network, where the most influential agents create their network with limited synergies with the rest. Under the state and the EU, there are various actors with their networks, which influence policymaking.

However, this governance structure does not allow for vertical and horizontal decision-making shifts or policy enforcement coordination between policymakers and implementers. The state often maintains red lines and prevents co-decision for specific matters, often involving stakeholders in vague consultations that serve as pretence. The majority of the agents are affiliated with the central agents, which include the EC, MOMA, GFM, GSEE, UNCHR, ELIAMEP, KMOP, IOM, Amnesty International, GNCHR, ESC, and GCR. However, the agents themselves claim that their advisory power is only a formality and is only a pretext. NGOs in particular claim that the state gives them truly little power to affect immigration laws.

The ESC, the GNCHR, and the Ombudsman (along with the IGOs) are crucial because they serve as tools of state control for the defence of MRAs and the protection of human rights. They often represent the MRAs in consultations with the state because they interact directly with their networks and NGOs that also represent them. The three most powerful IGOs are Amnesty International, UNHCR, and IOM. Even though they have difficulty convincing the government to budge from its red lines, they can apply pressure and have changed immigration laws to the benefit of foreign nationals.

However, cooperation between NGOs and public administration is cumbersome. In 2018, the state further monitored NGOs, and granted them legal status, through the Registry for Greek and foreign NGOs and their members. Despite being less powerful than IGOs, NGOs represent foreigners and secure adequate funding. Another way for the state to exert control over NGOs is the funding of state-sponsored NGOs and businesses with ties with the state, something which deprives NGOs that genuinely belong to civil society of valuable funding. Despite criticisms, European and international NGOs remain central to the network, securing adequate funding.

Greek trade unions maintain a neutral stance on immigration, accepting migrants and helping foreigners through the GSEE workers' centres. They are sceptical towards NGOs, but GSEE has stable cooperation with migrant associations and IGOs. What should be emphasised about the strongest labour union, GSEE, is that while it is a key agent in the network, it does not want to spread this power to other agents, as it maintains a relatively closed network with other agents. However, it is the agent with a direct connection to the network of MRAs and local actors. It is one of the few agents who understands that the root of the problem, among other things, lies in the ordoliberal character of the EU but the refusal of further synergies does not allow for an effective curb of these policies.

It is self-explanatory that employers are an important agent in the system as the EU's ordoliberal stance prioritises the smooth operation of the market. Indeed, employers are important to the 'metaklissis' process; they hire migrants based on their applications, and they are among the agents who participate in consultations more dynamically. However, even though they pressure the government for the recruitment of more TCNs; they even exert pressure on the government to start parallel to the 'metaklissis' processes with third countries, they fail to persuade it to double the numbers of the recruited TCNs. They are important

agents for the additional reason that they are powerful enough to take the initiative to find foreign workers on their own as they often collaborate with embassies for this reason. The government officially refuses to meet employers' immigration needs due to political costs, but foreign workers still come irregularly to satisfy the labour market. Employers and the state accept this, as cheap, exploitable labour is admitted. This shows that while the needs of the economy and the labour market are decisive, the state does not fully satisfy them, or according to employers' demands, taking into account citizens' concerns and therefore the political cost.

While the opposite should be the case, migrant networks are among the actors with the least influence on the network. To get their demands met by the states, immigrant groups are obliged to create alliances with NGOs and IGOs and depend on their members for financial support. With 40 and 10 communities, respectively, the two networks of migrant and refugee communities, GFM and GCR, are the most powerful players of this kind in Greece. Working with, the Ombudsman, GNCHR, GSEE, and some sizable NGOs can survive and pass their demands to the state.

Greece has few research centres that advise the government on migration issues, with ELIAMEP being the closest advisor. While they highlight welfare issues, they do not criticise the state or the EU dynamically.

Governance is hierarchical with two focal points in the system, that of the EU and the Greek state. It is based on a demand-driven system with the state having the first say. However, the rest of the agents enjoy some influence with those with a European and international presence being among the most powerful agents. It should be noted that most perceive the EU as an agent with a positive influence on migration policy issues, as it provides a more favourable framework for migrants. Most importantly their presence in Greece depends on the EU's financing. Therefore, they do not give much prominence to the ordoliberal nature of the EU and its influence on the lives of migrants. On the contrary, the state is placed in the position of the 'culprit' for the difficulties in the lives of immigrants. Civil society has gained influence in policymaking, but this influence is limited, and favours governance envisaged by the EU, meaning it favours or at least does not oppose the ordoliberal character of the EU. However, the state manages, more in the implementation phase, to impose its will.

This is also clear when the views of agents are examined, where the positive EU influence on the Greek legal framework is particularly highlighted, as well as the fact that EU rules and funding have helped civil society become dynamically involved in migration issues. Particularly, employers and think tanks funded by the EU support that the EU's labour strategy, bailout agreements, and migration policies have significantly reduced labour costs and only GSEE and migrants' associations link the problems that migrants face to the EU ordoliberal policies.

Agents acknowledge that the governance is state-centric, and they emphasize the complexity of migration policy governance, highlighting challenges in permit issuance and renewal, and the need for decentralisation to improve efficiency and address practical issues. There is a consensus that the state's efforts to decentralise governance prioritize profit and exploitation of MRAs, with superficial consultation with social partners. They propose funding should be directed to local communities, homeowners, and businesses, promoting inclusive decentralisation, and benefiting both TCNs and local communities. However, everyone sees it

from their point of view and the peripheries' administrations believe that decentralisation should have them at its centre, the labour unions or ESC see their involvement as paramount, while several agents, like the peripheries, GSEE and the Church are sceptical about the involvement of NGOs.

Non-governmental agents agree that governance is command-driven and the state when it comes to making and carrying out policies deliberately permits deficiencies in the way migration issues are handled, to keep the governance structure centrally planned. The Greek administration's ineffectiveness is often seen as a political choice, aiming to manage migration flows through repression and punishment, leading to ongoing dysfunctions adopted by all governments, centre-left and centre-right governments. Labour unions and immigrant associations argue this refusal to improve public services is a containment strategy for fewer prospective migrants to be willing to come to Greece and for the administrative chaos to favour the centrality of governance.

Agents note inadequacy in implementing migration policies, citing state insufficient resources, incoherent projects, understaffed public services, bureaucratic issues, and a complex institutional framework, as key factors. Public servants often state that they are underfunded and understaffed, something which leads to misunderstandings and strained relationships with foreigners. However, both foreigners and their representatives have highlighted cases of racist treatment of migrants.

Agents agree that the Greek legal framework has improved but argue that it maintains MRAs' dependence on employers. The 2014 and 2023 Migration Codes have improved the process of issuing and renewing residence permits, but agents argue that the centrality of the system delays the procedure. They herald the incorporation of directives that facilitate the TCNs' long-term residence and the granting of citizenship but they point out that many foreigners may not receive permits due to difficulty in collecting a high number of stamps or because of brief periods of absence allowed before the residency permit is revoked. Parallel recruitment processes, including bilateral agreements and temporary legalisation of irregular immigrants, agents argue, undermine coherence, fragment the legal framework, and maintain workers' dependency on employers.

Even highly skilled foreigners due to loopholes in the legal framework can be exploited and paid less than nationals. Agents argue EU and national laws guarantee equal labour market treatment, but exceptions, lower wages, and poorly paid jobs in labour-intensive sectors circumvent this right. Employers prioritise lower production costs and recruit migrants because of their flexibility and willingness to succeed. Agents often point out that seasonal workers, refugees, asylum seekers, and irregular migrants are easily exploited by employers, not supported enough by the legal framework, or by state controls, which are minimal and incomplete. As the agents make clear, migrants work in a neoliberal context that creates multiple-tier workers for exploitation.

From the above, it is concluded that the governance of labour migration policy in Greece, while hierarchical and state-centred, has a second focal point, that of the European Union, which has a profound influence on the way politics are conducted in Greece. It is an agent who sets the limits within which both the legal framework in Greece and the adopted policies will operate. However, it should be noted that the state, as it is the one that will implement the policy and decide when to adopt the policies dictated by the EU, has to some extent the

freedom to impose its view on the other agents but also to manipulate or force them, in a command/coercion way, to make them behave in a way that is desirable for it.

The “constitutionalism” of the EU, and the rules it lays down, even though leaving some degrees of freedom to the MSs on how to introduce them into their domestic law must be incorporated into the national law. These ordoliberal policies prioritise the proper functioning of the market, in this case, the labour market, to the detriment of workers as a whole and especially TCNs who are among the most vulnerable and exploitable groups of workers. The set of European rules, while improving the integration of these people, essentially creates multiple-tier workers and seeks to keep foreign labour trapped in an exploitative regime. Thus, these rules at both European and national levels reproduce the survival substances of ordoliberalism, keeping the market out of the political realm. Greece, by its behaviour in the Council negotiations, but also by the implementation of these policies, subscribes to these rules and ensures that the ordoliberal character of the EU will thrive at the national level as well.

On the other hand, the EU has made sure non-governmental actors are involved in state politics. Most of these actors, although opposing the predicament of MRAs, do not associate the violation of the rights of foreigners so much with the ordoliberal stance of European politics but with the unwillingness and inability of the Greek state to offer better living conditions to foreigners. Their strong presence at the national level, especially of agents who have an international and European presence, depends on the European rules, which established them, and strengthened them as a means of controlling the MSs thus, in Greece we see the phenomenon of strengthening both the control of the state on migration policy issues and the augmentation of non-governmental actors. The above seems to reinforce the view that in Greece governance is more "Big Government" than a pure governance system based on vertical and horizontal synergies in policymaking.

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