

7 Greece

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7.1 Introduction

Greek nationality law is based on the principle of origin. *Ius sanguinis*, i.e., the automatic acquisition of the father's nationality at birth, irrespective of where the child was born, is already identified in the first article of the Code of Greek Nationality in 1856: 'The child of a Greek male [or female] acquires Greek nationality at birth.'¹

The most significant insertion ever registered in the Greek nationality law is the addition, in 1984, of the word 'Greek female' to the aforementioned article, following the modernisation of the provisions of the Greek Civil Code regarding the implementation of gender equality.

The Greek term for nationality is *ithageneia*. The term *ithageneia* is deeply entrenched in Greek history, as it refers to the comprehensive character of the orthodox *genos*. One may define *genos* as the religious community of the rebel orthodox population within the Ottoman Empire that was gradually transformed into the Greek nation in the course of the nineteenth century.

Differentiating between national and foreigner, the law of Greek nationality draws, with regard to the individual's descent, the additional distinction between members of the Greek-Orthodox *genos*, that is *homogenis*, and persons of different descent, of another *genos*, that is *allogenis*. This additional distinction between the two categories of *homogenis* and *allogenis*, is under continual historical and political negotiation: the most exciting aspects of the history of Greek nationality are related to this negotiation.

In Greece, all combinations of the above-mentioned different meanings are possible. In the firm image of the Greek national *homogenis*, appears the revealing exception of the national *allogenis*, which refers to persons belonging to minorities in Greece or to naturalised foreigners. The rule of foreigner *allogenis* includes the exception of the foreigner *homogenis*, i.e., the Greek from the diaspora, who is either a member of a Greek minority abroad or an emigrant.

The rule for acquiring Greek nationality at birth is accompanied by two regulations relating to persons who, while not having been born with the Greek nationality, wish to acquire it. The first describes the

naturalisation procedure for foreigners, which provides for very strict timelines and preconditions, including a ten-years permanent lawful residence in the country before the naturalisation application is submitted. The second, the so-called procedure of nationality definition, is reserved for those who manage to prove to the competent Greek authorities both that they are of Greek descent and that they 'behave as Greeks', as mentioned in the relevant circulars for the implementation of the law. The use of the term 'definition of nationality' shows that, according to the Greek law, all the prerequisites, i.e., Greek descent and national consciousness, exist prior to the procedure of nationality definition. The administration simply ascertains the existence of the specific prerequisites.

According to a Ministerial Circular of 1960: 'irrespective of the historical origin of the content of the term(s), it is necessary to point out that the Ministry, in its interpretation of the terms *homogenis* and *allogenis*, does not consider the racial origin of the individual as a unique criterion [...]. On the contrary, in compliance with the opinion of the Nationality Council and the relevant opinions in the field of theory, the Ministry has always accepted that the main criterion for the distinction between *homogenis* and *allogenis* is national consciousness. [...] The individual's racial origin or the national descent does not define on its own the sense of *homogenis* and *allogenis*, but constitutes a subsidiary element for appraisal in the specific judgement.'²

Greek legal order uses the term *homogenis* to define the non-Greek citizen of Greek ethnic origin. As this composite word describes, *homogenis* is a person who belongs to the same *genos* (descent), thus to the same nation, while being a citizen of another country. The principle that lies behind the legal status of *homogenis* is that the individual is of Greek descent. However – and surprisingly enough – what is decisive is the person's 'Greek national consciousnesses'. The latter is defined as the link with the Greek nation in terms of common language, religion, and traditions. In this sense, and if the argument is examined in its extreme version, an individual may be considered and recognised as *homogenis*, even if he or she has no Greek origin through blood parentage. Greek national consciousness would suffice. However, in practice this is never the case. The norm is that the criteria of origin and consciousness are either employed cumulatively or the ethnic origin criterion prevails. In the following, it is mentioned that the administration requires a case-by-case examination in order to determine a sense of belonging and an ethnic membership.

However, recourse to the subjective political criterion related to a national does not only facilitate the acquisition of Greek nationality for *homogenis* foreigners. It also allows excluding from nationality status those Greeks, who are considered not to share Greek national con-

sciousness. In the course of Greek history in the twentieth century, the main target groups for nationality withdrawals have been the Greek left-wing dissidents, as well as individuals belonging to national minorities. The history of Greek nationality has a separate lengthy chapter in legislation and practices for withdrawal of nationality from minorities up to 1998, and from Greek Communists, up to 1974.

Nationality acquisition in Greece clearly depends on whether the person concerned is *homogenis* or not. The number of naturalisations is extremely low. It is rather indicative that less than 15,000 *allogenis* foreigners have been naturalised during the last 25 years. This number includes all potential categories of persons applying for Greek nationality, i.e., spouses of Greek nationals, individuals born and brought up in Greece whose parents did not acquire the Greek nationality, and finally, migrants and refugees. At the same time, the country's population of ten million increased by one million foreigners during the last decade.

In contrast, the time required for *homogenis* to acquire nationality is much less. This procedure refers also to the Greek Pontians (*Efkseinos Pontos* in Greek is the Black Sea) from the former Soviet Union, most of whom acquired nationality through summary procedures during the last decade. The numbers of *homogenis* that acquired Greek nationality via the definition procedure may thus be estimated to be some hundred thousands. Unfortunately, there are no statistical data on the acquisition of nationality of *homogenis*.

At the end of the Cold War, Greek nationality entered the most critical decade ever in its perturbed history. During this decade, changes on the political scene of Eastern Europe created a considerable migration and so-called 'repatriation' inflow towards the country. These new phenomena challenged radically the self-perception of Greek nationhood and consequently the dominant nationality policies. Nevertheless, even after the end of the Cold War the practice of nationality withdrawal, which dominated the state policy until the last decade of the twentieth century, was maintained.

The first decade of this century shows more lively activity by the Greek state, bringing in new laws pertaining to Greek nationality with considerably more new circulars for their application. The successive regulations and adjustments illustrate the reluctance and (to a certain extent) reasonable difficulty of the Greek administration to handle the new challenges in a realistic manner.

The new Code of Nationality, which passed at the end of 2004 (Law 3284), abstains from introducing any new perception that would meet the current challenges. It only offers a legally comprehensive systematisation of the previous regulations and a timid renovation of stereotype views that traditionally have dominated the relevant legislative and administrative discourse.

However, ‘changing the boundaries’ (Bauböck 1994: 199) of Greek nationality is already on the agenda.

7.2 Historical development

7.2.1 *Greek nationality: from subordination to the orthodox genos to participation in the Greek state*

Since 1864, Greek Constitutions have used the term ‘quality’ of being Greek,³ illustrating in an apt way the differentiating functions of the nationality concept.

The focus of Greek nationality on the principle of origin and *ius sanguinis* runs the major part of its course unchanged. Nonetheless, it experienced a fundamental exception, which is traced to its historic origin. This is not surprising. The newly established – under revolutionary law – state had to create its people in a certain way. Its jurisdiction over persons living in the land where Greek sovereignty lay constituted perhaps the safest criterion, in a first phase. To the extent that the struggle for nation building by the revolting Greeks was in an initial stage, the element of land was in search of the most apposite – in a political sense – alliance with religious faith. ‘Greek people are the Christian residents of a state, which has been founded following revolution’ (Dimoulis 2001: 96). At the same time, the Constitution of Epidaurus of 1822 provided for two additional categories, ‘non-autochthonous’ (i.e. people coming from beyond the country’s borders) and ‘foreigners’, who desired to become naturalised.⁴ The ‘non-autochthonous’ people were Christians, non-indigenous, while ‘foreigners’ were western philhellenes.

This *sui generis* combination of *ius soli* and *ius religionis*, which determined Greek citizens according to pro-national criteria, was abandoned by the Constitution of 1823. The territorial prerequisite for the acquisition of Greek nationality remained in force under this Constitution;⁵ the element of language was introduced for the first time as a prerequisite for the acquisition of nationality by the non-autochthonous population, who now had to ‘speak Greek as their mother tongue’ (the Greek text uses the term ‘father tongue’) (para. b). The term ‘foreigners’ was replaced by the related term ‘non-nationals’. Moreover, the conditions for their naturalisation were set out for the first time. These consisted of five years of residence in the territory, accompanied cumulatively by the possession of ‘immovable property’ and the non-perpetration of criminal offences during the stay (para. l). Alternatively, ‘great valour and important services to the homeland’s needs, including morality, created sufficient rights for naturalisation’.

The term 'Greek citizens' public right' appears for the first time in the Constitution of Trisina of 1827 and continues to exist until the establishment of the Constitution of 1952. The political, civil and social rights afforded to Greeks constitute the expression of the democratic principle of conferring the status of national, included in the Constitution's section under the term: 'Greek citizens' public right' (Kokkinos 1997: 83). This principle is based on the contradiction which runs through the history of Greek nation-building and, consequently, the law on nationality: At the moment that political sovereignty is pointed out as a guarantee of all the Greeks' Rights without any discrimination on the basis of descent, the status of Greek national is conferred according to ethno-cultural criteria (Liakos 2002: 63-79). The Constitution of 1827 brings in an entire section 'on nationalisation' and paves the way for *ius sanguinis*: 'Greek is: [...] whoever is born on foreign territory to a Greek father' and not merely a Greek-speaking person, as was provided for earlier.

The Constitution of 1832 proceeds with an extremely detailed regularisation of the prerequisites relating to Greek nationality (art. 13), reflecting a particular political co-existence of all possible criteria for the acquisition of nationality (*ius soli*, *ius religionis*, *ius sanguinis*). It introduces, for the first time in Greek constitutional history, a provision, that sets out in detail the reasons for the withdrawal of nationality (art. 15). Finally, the Constitution of 1844 cites the laws which are expected to define the 'attributes' of Greek citizens. All the constitutional instruments of the country adopted this practice from then on.

During that period, Greeks, coming from throughout the Ottoman Empire, the so-called 'non-autochthonous', arrived in the newly established republic. The issue with respect to the rights and privileges of this population in the newly established state was a purely socio-economic conflict between the old inhabitants of the territory and the newcomers. The famous hostility between autochthonous and non-autochthonous Greeks concerned mainly the conflict for the latter's position in the state apparatus (Dimakis 1991). As a result, the autochthonous Greeks contested the Greek quality of the newcomers and they expressed claims for their exclusion from the status of Greek nationality.

The first law on Greek nationality was promulgated in 1835 and signalled the regulatory transition towards the law of origin.⁶ It remained in force until 1856 when the Civil Law passed. The provisions of the Civil Law on nationality survived for an entire century; they remained in force even following the promulgation of the Civil Code of 1946, until the promulgation of the first Code of Greek Nationality in 1955. It is of interest to underline that, currently, most of its provisions remain in

force and apply to persons born prior to the date of promulgation of the Code of Greek Nationality in 1955.

In the course of this century, the rule of nationality was captured in the following formulation: 'Greek is whoever has been born to a Greek father' (art. 14^a of the Civil Law). While confirming the absolute prevalence of *ius sanguinis*, this Law introduced the first exceptions in favour of *ius soli* as to adopted children or children born out of wedlock or as to individuals of unknown nationality that are born on Greek territory. These persons acquire Greek nationality in deviation from *ius sanguinis*.

7.2.2 *From the first expansion of the Greek state to its territorial integration*

This period was launched with the promulgation of Civil Law, it continued with the first territorial expansion of the Greek state to the north by the annexation of the regions of Thessaly-Arta and, subsequently, of other territories, and ended with the territorial integration of Greece by the annexation of the Dodecanese in 1947. These successive changes rendered the law of Greek nationality one of the most unapproachable and unreadable parts of Greek legislation. The territorial re-adaptations and major political evolutions, which took place in the course of the hundred years which passed until the adoption of the Code of Greek Nationality (1856-1955), left their traces on the relevant legislation. As a result, the relevant provisions are characterised by absolute inconsistency, incomprehensiveness, and segmentation. The consecutive amendments of these provisions have rendered Greek legislation on nationality an almost inaccessible regulatory volume, which has caused confusion to its implementers, as well as to contemporary scholars.

The international treaties, which accompany the expansion of the Greek state, include rules on the nationality of the persons residing in these regions, in a manner that is either binding or optional subject to a series of prerequisites. The successive annexations of new lands to the Greek territory have always had two main impacts: large numbers of *homogenis* automatically acquired the Greek nationality and the remaining Ottoman subjects were granted a sufficient time limit to stay in the Greek state, after which they had to leave Greek territory unless they converted to Orthodox Christianity. An eloquent example of collective incorporation can be found in the Treaty of 1881 between Greece and the Ottoman Empire following the annexation of Thessaly-Arta, which allowed a time limit of three years for persons wishing to retain Ottoman nationality to leave the country. The Treaty of 1881 did not distinguish between *homogenis* and *allogenis*, which resulted in the collective incorporation of all those who desired to acquire Greek national-

ity without any differentiation. Nonetheless, this Treaty did not definitively settle the issue of the nationality of the Ottomans of Thessaly. The presence of many Ottomans who remained in Greece because they opted for Greek nationality was a pending matter that was regulated under extremely unfavourable terms for the Greek state, following military defeat by the Ottomans in 1897. In line with the new peace treaty, the muslim residents of Thessaly who had acquired Greek nationality under the terms of the convention of 1881, were again offered the right to opt for Ottoman nationality. This time, they were granted the possibility of remaining in Greece or even returning to Greece, in cases where they had been forced to flee Greek territory following 1881.⁷ This historically 'asymmetrical' right of muslims was to last only a few years, since the imminent annexation of a major part of Macedonia and, later on, of Thrace, would reinstall the status of 1881. From then on only those who opted for Greek nationality had the right of residence on Greek territory, while Ottoman subjects were granted a time limit of three years to leave Greek land, unless they converted to Orthodox Christianity and acquired Greek nationality.⁸

Collective incorporation through free option of nationality, which took place in line with the prior treaties, generated a new problem for the expanding Greek state. The traditional divergence between autochthonous and non-autochthonous populations receded. The novel counterpoint, which runs through the history of Greek nationality, is between *homogenis* and *allogenis*. Within this framework, the use of the term *homogenia* and, moreover, the conferment of the status of *homogenis* oriented the Greek irredentist aspirations to its neighbouring countries.

Additionally, the quality of *homogenis* justified discriminatory results in favour of persons under the so-called status, within or without the Greek territory. The heritage of the Ottoman millet, i.e., the self-governed religious community in the Ottoman Empire, certainly offered a number of guarantees for the attribution of this definition. These guarantees were rather instable though, for – as time progressed – the Macedonian landscape kept becoming ethnic moving sand. Nevertheless, it is crucial to underline that the continuous reciprocation of the administrative practice as to the conferment of the status of *homogenis* (or *allogenis*) between 'racial origin' and 'national conscious', which are identified even nowadays, originate from the substantially pro-national character of certification of the Greek *genos*. The certification of an Albanian muslim, a Turkish muslim or of a Jew as *allogenis* was rather easy for the Greek authorities, on the basis of the criterion of exclusion from the orthodox *genos*. The situation however became complicated, when it came to the orthodox populations which had not been assimilated by the Greek nation. This mainly concerned the Bulgarian-Mace-

donian population of the New Lands and – to a lesser extent – the Aromanians-Vlachs.

In line with the Neuilly Peace Treaty between the Allied and Associated Powers and Bulgaria⁹ and the Convention between Greece and Bulgaria on mutual and voluntary migration of the minorities on either side, which mainly had a binding effect on the populations that were to be exchanged (Michailides 2003: 135), an important part of the Slav-speaking population lost Greek nationality. The fact that they left Greek territory entailed the loss of Greek nationality by the acquisition of the Bulgarian one and vice-versa (art. 5). The same measure of collective incorporation and exclusion of nationality was enacted in accordance with the Lausanne Treaty for the obligatory exchange of populations between Greece and Turkey. According to a decision of the Mixed Committee for Exchanges of the League of Nations, the measure's scope had been even extended to the exchangeable populations that resided abroad and had been naturalised there prior to the exchange.¹⁰ The Convention on nationality between Greece and Albania, signed in 1926,¹¹ included provisions with respect to collective incorporation. The latter provided for the recognition of the Greek nationality for former Ottoman subjects that were born in Albania, but had acquired Greek nationality prior to the establishment of the Albanian state in 1913. Besides, it gave to the residents of Western Thrace, who had emigrated to that region from Albania, the possibility to opt for Greek or Albanian nationality.

The principle choices related to Greek nationality during the period from the expansion until the territorial integration of the Greek state, demonstrated an increasing awkwardness, as well as two key legislative or administrative concerns.

The first key concern was related to the ethno-cultural fortification of the persons meeting the criteria for acquiring Greek nationality. However, generous concessions to others that Greek legislation subordinates to the status of *allogenis* are found. These people were either initially related to the revolution or resided in Greece as asylum seekers, such as the Armenians and Caucasians.¹² The Constitution of 1927 provided for the acquisition of Greek nationality, 'without any other stipulation', by the monks of Mount Athos. The provision in question is still in force.¹³ Besides, in the enacted legislation there are surviving facets of the 'honoris causa' naturalisations, regarding foreigners 'that have offered superior services to Greece or the naturalisation of whom may serve an interest of utmost importance to Greece'.¹⁴

The second key concern of the Greek administration, as expressed through its respective legislation on collective incorporation, clearly coincided with the related strategies of the neighbouring countries, which aimed at the definitive purge of potential internal enemies, i.e., na-

tional minorities. The relative provisions of the compulsory population exchange treaties from then on constituted a regrettable principle in international law, which has been intensely criticised by the Greek scholars in international law of that period (Seferiades 1928: 328).

The state's increasing discomfort as to nationality is related to the Greek emigration overseas. The law of 1856 provided for the loss of Greek nationality in case of naturalisation abroad. As of the end of the nineteenth century, the increasing flow of emigrants had as destination states in which *ius soli* was implemented (USA, Australia, Canada). Consequently, the legislation which stipulated the exclusivity of the Greek nationality resulted in its loss by the children of thousands of Greek emigrants to these states. In 1914, this situation was redressed by the Greek legislation. This movement caused paradoxical situations, since a large part of this population did not desire to breach their bonds with Greece. Furthermore, it was judged as detrimental to the nation, since it deprived the country of soldiers in a rather demanding historical juncture (Georgiadou 1941: 76). Law 120/1914 ruled that, from then on, an authorisation of the Greek government was required for the loss of Greek nationality. This provision is still in force. As a rule, Greek emigrants who have acquired foreign nationalities at birth following 1914 did not require the Greek government's authorisation. Therefore, they retained Greek nationality, as well, by virtue of being children of Greeks. This is the first massive example of acquisition of dual nationality in Greek history.

7.2.3 *Nationality during the Cold War*

This period schematically commences with the integration of the Dodecanese into Greece¹⁵ and the end of Civil War in 1949 and extends to the period of the Cold War. Its main feature is withdrawal of nationality. This was a sanction reserved for citizens regarded as enemies. During the first century of the Greek state's existence, there was no comprehensive ideology with respect to the strategies of Greek nationality. Contrarily, during the Cold War period the policy related to nationality was marked by the endeavour of the Greek state to purge by any means the persons considered as 'unworthy' to be Greek. In parallel, the state was extremely reluctant to accept the acquisition of the Greek nationality by Greek citizens, who belonged to the Greek minorities in Albania and Turkey and had definitely returned to Greece. The state adopted this strategy, in order that specific minorities kept being reinforced. Moreover, the Greek state demonstrated – in a paradoxical way, attributed to its awkwardness – an extremely thrifty face towards any other category of Greeks of the Diaspora who desired to acquire the Greek nationality. This cautious practice against the naturalisation of

the Greeks *homogenis* abroad was also visible concerning foreign spouses and the families of Greek nationals. This policy started changing hesitantly towards the end of the twentieth century.

Certainly, the measure of withdrawal of nationality had not been launched during that period.¹⁶ Equally, it was exclusively reserved for national enemies and political dissidents as it had been in the course of that period.¹⁷ The Civil War though, constituted a point of intersection with modern history, following which withdrawal of nationality was massively implemented. The citizens from whom nationality was withdrawn were either communists or members of minorities.

This practice was launched by a Decree in 1927.¹⁸ It included a rule, which is held responsible for the negative publicity of the Greek law on nationality until today. '*Allogenis* Greek citizens, who have fled Greek soil and have no intention of returning, lose the Greek nationality. Minor children who emigrate with them lose also the Greek nationality at the same time their parents do. The intention not to return constitutes a real fact and may be presumed from any relative fact [...]. The Minister of Foreign Affairs examines the intention not to return, as well as any element related to this article ad hoc'. High-ranking administration officials admitted however that loss of nationality in this way 'does not politically constitute an institution worthy of being established [...] However, in a practical sense, it serves a national need of the highest importance' (Georgiadou 1941: 82). The replacement of art. 4 of the Decree of 1927 by art. 19 of the Code of Greek Nationality in 1955, and its regulatory fortification by way of the Constitution of 1975¹⁹ and maintenance until 1998, clearly demonstrate its utmost national importance.²⁰

Since 1940, the relative legislation did not concern only *allogenis*.²¹ In the course of the German occupation, the collaborationist government adopted a new rule introducing the concept of the 'unworthiness' of someone to be a Greek citizen as a reason for withdrawal of nationality.²²

The festive inauguration of this regrettable period of Greek nationality during the years of the Cold War took place in 1947 with the Resolution of 1947 by the Fourth Revisionary Parliament 'on the withdrawal of the Greek nationality from persons that are acting in an anti-national way abroad', which was maintained in force even following the enactment of the Code of Greek Nationality and ceased to be in force in 1962, however not retroactively.²³ The measure had been applied to over 56,000 Greeks who had departed for Eastern Europe during the years 1947-1949 (Centre of Planning and Economic Research 1978: 46), among whom were a respectable number of Slav-Macedonians (Kostopoulos 2000: 219). Acting similarly to the Italian fascists or by applying the Nazi German principle of withdrawal of nationality, the

Greek administration proceeded with en masse withdrawals of nationality under summary proceedings until the new Constitution of 1952 was put into force (Alivizatos 1979: 490).

However, even following the abolition of the Resolution, Greek legislation still disposed of a safe arsenal for the withdrawal of nationality from 'persons who were acting or had acted in an anti-national way'. The only – obviously fictitious – difference was that withdrawal of nationality was not binding any more, but at the administration's discretion.²⁴ In fact, the dictatorship did not need to invent new regulations, but only to tap into the already applicable law by force of its own Constitutional Act.²⁵

Upon the restoration of democracy, those from whom nationality had been withdrawn, in compliance with the dictatorship's Constitutional Act, acquired it anew.²⁶ The reacquisition concerned however only those from whom nationality had been withdrawn according to the regime's Constitutional Act and not those from whom nationality had been withdrawn by normal regulatory means provided for by the Code of Nationality, during the dictatorship. These provisions, under art. 9 and 20 of the Code, were still implemented even following the restoration of democracy. It is worth noticing that a transitional provision of the Constitution of 1975 stipulated that 'Greeks, from whom nationality had been withdrawn by any means prior to the commencement of the Constitution's implementation, reacquired it following a judgement rendered by specific committees composed of judges, in accordance with the law'. However, no such committees ever convened nor has a related law ever been issued to date (Grammenos 2003: 202). In an attempt to limit the administration's discretion on issues related to the withdrawal of nationality the Constitution established after the dictatorship provided that 'withdrawal of nationality is permitted under the conditions and procedures prescribed by law'²⁷ if the Greek national undertakes anti-national service in a foreign country.

The history of Greek nationality has always lagged behind the overall political evolution. It is indicative that the Resolution of the Fourth Revisionary Parliament of 1947 was expressly abolished in 1985.²⁸ Even the first socialist government of 1981 did not examine the possibility of reacquisition of nationality and repatriation of the Slav-Macedonian political refugees. The express exclusion from repatriation of those who were not 'Greeks as to *genos*' currently constitutes the sole instrument in force that recognises, through exclusion, the existence of Slav-Macedonians in the country.²⁹

All other ways of withdrawal of nationality had been abolished or enfeebled. Therefore, art. 19 of the Code of Greek Nationality dominated during the period following the downfall of the colonels' regime (1967-1974). According to this article 'it could be judged that *allogenis* that

had fled Greek land without the intention to return, lost the Greek nationality'. As already mentioned, the article was also abolished later, in 1998,³⁰ after causing international condemnation and after having accomplished the 'national objective' for which it had been implemented. According to the administration, the number of people who had lost Greek nationality from the time the article had been put into force, in 1955, until its abolition, amounted to 60,000.³¹ The practice of nationality withdrawal from members of minorities had as its objective to minimise, in terms of population, the minority of Thrace. This fact, combined with the important migratory flow towards Turkey and Western Germany has resulted in the level of the population being maintained at levels, similar to those existing in the period of the Lausanne Treaty (approximately 100,000).

At the time that Greek administration demonstrated its most repugnant face towards those who (were supposed to) constitute a threat, it was also inefficient to conduct negotiations 'as the mother-country' in order to maintain Greek nationality in Turkey. It compensated however for this inefficiency by an expression of generosity towards Greeks coming from Turkey: it subjected those from whom the Turkish nationality had been withdrawn to an extremely unique status of nationality, according to which the provision of a Greek passport was not equivalent to the conferment of national's status.³² This situation resulted in a small, not calculable but not negligible either, number of persons subject to these categories of *homogenis* who still remained under this *sui generis* form of hostage. During the critical decades, the Greek state's stance was clear: 'no Greek nationality for *homogenis*'. The Greek state prefers to subordinate these people to the status of semi-nationality, in order to maintain the Greek minority in Turkey statistically alive, which was becoming weaker because of the harsh Turkish policies.

By the end of the 1970s, the issue of the Tsigans' statelessness was settled. An unknown number of them had never acquired Greek nationality, due to hindrances that the Greek state had attached to the 'Tsigans reluctance to cooperate with the competent Authorities'.³³ At the end of this decade a thriving percentage of Tsigans had Greek nationality through an innovative procedure of implementation of *ius soli*. Tsigans were considered as people of non-definable nationality, who were born in Greece and had consequently acquired Greek nationality *ex lege*.³⁴

7.3 Recent developments and current institutional arrangements

7.3.1 *Main general modes of acquisition of citizenship*

7.3.1.1 *Acquisition of citizenship by a Greek mother*

The most important modification of the law of Greek nationality to date occurred in 1984 by virtue of Law 1438 'an amendment of the provisions of the Code of Greek Nationality and of the law on birth certificates'. The Law entailed major changes concerning the nationality status of Greek women, who were given the right to transfer their nationality to their children for the first time in Greek history. This law put into practice in the field of nationality the constitutional stipulation of 1975 for gender equality. The main amendments worth mentioning are the following:

- The generalisation of nationality acquisition to persons born either to a Greek father or mother. It should be noted, that up to then, only the children that were born out of wedlock or of whom the father was stateless acquired the nationality of a Greek mother.
- The reduction of the time limit for coming of age for those who that wanted to become naturalised, from 21 to eighteen³⁵ years, according to the new Civil Code.
- Civil marriage was considered valid according to the law 1250/1982. Until then, the non-Orthodox marriage of a Greek man to a foreign woman excluded his children from Greek nationality.
- The establishment of the principle of independency or individuality of nationality; until that time the existing principle was one of acquisition of nationality by marriage. The Greek law proceeded with a radical reform, in line with which 'marriage does not entail the acquisition or loss of Greek nationality'. This provision abolished the previous ones, according to which a Greek woman that was married to a foreign man would lose Greek nationality, unless she declared prior her intent to the contrary; conversely a foreign woman that was married to a Greek man would automatically acquire the Greek nationality, unless she had previously declared that she had no such intent.

Extreme enthusiasm, however, stemming from the political atmosphere of the first governance of the country by a socialist party resulted in Greek lawmakers interpreting the principle of independence of women's nationality in the most inflexible way, which was instituted in its absolute sense. As a result, the spouses of Greek citizens have been subjected for many years to the same status as others that had applied for naturalisation, without them disposing of any comparative advantage for the acquisition of Greek nationality by way of their marriage to a Greek man. This illogical situation was remedied in 1993,

when it was ruled that 'marriage to a Greek person is also taken into consideration when the administration judges the application for naturalisation'.³⁶ Only in 1997,³⁷ did Greek law provide for the naturalisation of Greek foreign spouses by excluding the prerequisite of a period of prior stay in the country, in the case that a child had been born within the marriage in question. This generosity did not last long, since the new Code of Nationality that was passed at the end of 2004 added to the prerequisites for naturalisation of spouses the required lawful residence of three years in the country.³⁸

In fact, the intention of the lawmaker in 1984, that is, the retroactive settlement of nationality issues related Greek women and their children, was not fully expressed. In that respect, the law of 1984 provided for a transitional period until the end of 1986 for the implementation of the provisions related to the acquisition of nationality both for the children that were born and for the women that had been married before its promulgation (8 May 1984). In the course of those two and a half years, Greek women and children who desired to acquire Greek nationality could do so by submitting a relevant declaration to the Greek authorities. Many people had, however, not been informed that a strict deadline existed. As a result, the time-limit lapsed with many of the eligible persons failing to avail themselves of the provision. Seventeen entire years were needed for the promulgation of Law 2910/2001 and for the abolition of the unrealistic, strict time-limit stipulated by the law of 1984. This resulted in a striking rise in the number of nationality acquisitions from 2001 on. The rise remains however invisible, as the Greek authorities cannot provide even elementary statistics on cases of nationality acquisition by way of this procedure.

This omission was not so important until the early 1990s, given that the acts of nationality acquisition via this procedure were scant. The fall of the regimes in Central and Eastern Europe, however, resulted in unanticipated situations for the country. An important number of persons, that in the meantime had acquired the nationalities of socialist states, had the opportunity to travel to Greece, which they considered as the country of their ancestors, as well as also to lawfully claim Greek nationality. As it was colourfully expressed, 'all of a sudden, everybody is looking for his Greek ancestor' (Baltsiotis 2004b: 316). This applied to the descents of second or third generation emigrants to the USA, Australia and Canada, who gradually discovered the comparative advantages offered by a nationality of an EU Member State, either by returning to Greece or – mainly – without. If we add to these large numbers, the so-called 'home-comers' from the former USSR (who will be discussed later on), it is clear that the 1990s posed new challenges to Greek nationality, faced by which it had to once again decide its course.

7.3.1.2 *The (non-)naturalisation policy*

It has been pertinently stressed that 'the non-naturalisation of *allogenis* foreigners constitutes a structural perception of the state, which is carefully adhered to' (Baltsiotes 2004a: 93). The naturalisation rate of foreigners is extremely low. Indicatively, from 1985 to 2003 approximately 13,500 persons acquired Greek nationality and in the period 1985-1997 fewer than 4,500. After the naturalisation of spouses was institutionalised, in deviation from the generally applicable rule requiring a stay of ten years in the country, the rates more than doubled. In 2001, the Greek state – aiming to impede the rise of applications for naturalisation, given that a decade had passed since a significant number of immigrants had arrived in the country – established³⁹ a naturalisation fee of 1,467 euros, with the aim of stemming the anticipated rise of naturalisation applications.⁴⁰

The prerequisites of lawful prior residence in the country have been gradually and continuously increased over the years. Initially, the Greek law on nationality stipulated a three-year residency period following the application, as a necessary prerequisite of naturalisation. In 1968, the prerequisite of residence in the country changed: From then on, people who were already legal residents in Greece for eight years could apply for Greek nationality. In line with the law of 1993, the eight years became ten. Finally, in 2001, the prerequisite allowing residence in the country following submission of the application, to count towards the residency period, was abolished. The aim was obvious: to achieve the greatest possible bulwark against the increasing number of naturalisation applications.

In the 1980s, Greece gradually began to acquire the attributes of a modern capitalist society, into which the first immigrants flowed, mainly from Lebanon, Pakistan and Egypt. At the same time the phenomenon of mixed marriages became statistically visible. The nationality policy was reinforced with stricter regulations, so that the Greek state could face the oncoming immigrant wave defensively. In any case, nationality policy could not remain passive towards the overall evolution of social modernisation and state democratisation, which were mainly embarked upon by the first socialist government in 1981. The following paradox then became apparent: The regulatory prerequisites for the acquisition of Greek nationality became stricter, even though nationality politics became more extrovert. This attitude, which continued during the 1990s, did not suffice to change the profoundly xenophobic way in which any foreigner that desires to acquire Greek nationality is treated: as a menace to national homogeneity. In the past, this fear was extended even to Greek *homogenis*, emigrants or political refugees. It was generally considered that since these persons had abandoned Greece, the state owed them nothing.

The country abstained from ratifying any international instruments that could introduce deviations from the absolutely rigid way in which the relevant policy was implemented. It was obvious that a potential ratification of the European Convention on Nationality of 1997 by Greece would influence the highly discriminatory treatment between *homogenis* and *allogenis* with regards to the acquisition of nationality issue (Pappasiopi-Passia 2004: 36). Equally, it would influence a series of restrictions existing in the Greek legal order against naturalised foreigners. These restrictions, being mostly of a symbolic rather than a substantial nature, are indicative of the already mentioned phobia.⁴¹

7.3.1.3 *The main mode of nationality withdrawal: art. 19 of the previous Nationality Code*

The above-mentioned elements reflect a series of nationalist and authoritarian strategies, which were implemented in the country during the major part of the twentieth century – mainly after the Civil War (1946-1949). Equally, these strategies demonstrate Greece's position in the geo-political environment of the Cold War Balkans. It is no exaggeration to claim that Greece systematically encountered the issue of acquisition of Greek nationality by foreigners for the first time in the 1980s. Until then, the Greek administration exercised another practice with particular fervour: nationality withdrawal. As already mentioned, the regrettable measure of nationality withdrawal had reached its peak during the course of the Cold War. From 1960 it was restricted only to the Turkish minority in Thrace. This practice continued until 1998 when the infamous art. 19 of the Code of Greek Nationality, which stipulated the withdrawal of nationality for those leaving Greek soil without intending to return, was abolished.⁴²

Art. 19 had severely been criticised by the country's legal community (Sitaropoulos 2004), given that it was *prima facie* unconstitutional. The Greek Constitution provides for the possibility of Greek nationality withdrawal 'only in case somebody has voluntarily acquired another nationality or in case he or she has entered into an anti-national service'.⁴³ During the beginning of the 1990s, the pressure put on Greece by international organisations, such as the Council of Europe and the OSCE, for the abolishment of this article was reinforced. However, according to the official records of discussions in Parliament, this article was only abolished when it was deemed that, if it continued in force, it would create more problems than it had already resolved (Anagnostou 2005). The abolition of art. 19 was not retroactive. Should the persons, from whom nationality had been withdrawn according to this article, desire to acquire nationality anew, they would have to follow the mode of naturalisation applicable to *allogenis* foreigners, without being subject to different regulations. In practice, the issue of nationality reacqui-

sition was rather indifferent to the majority of the 47,000 people from whom nationality had been withdrawn, given that they no longer had ties to Greece. Most of them moved to Turkey or Germany. There still exist today, however, a number of people that has settled in Greece. The fact that there are individuals 'that have left Greek soil without the intention to return', who still remain in Greece is a paradox. Such a paradox can however be explained by the unrehearsed, arbitrary and maladroit way, in which the specific provision was implemented. In other words, there are many cases where nationality was withdrawn regardless of the fact that the individuals in question had never left the country. The case of a male person who lost his nationality according to Art.19, while serving in the Greek Army, is rather illustrative hereof (Kostopoulos 2003: 73).

In Thrace, there are still no less than 1,000 stateless persons of advanced age, members of the minority, who still hope to find justice. They constitute the remainders of a regrettable and very recent past of the history of Greek nationality.

7.3.2 *Special categories and quasi citizenship*

7.3.2.1 *The procedure of 'definition' of the Greek nationality for homogenis*
Nationality acquisition through the procedure of 'definition' has constituted an extremely important legal instrument for the Greek administration. The procedure of definition made it possible for the Greek administration to separate nationality acquisition by *homogenis* foreigners from the far stricter prerequisites for naturalisation by *allogenis* foreigners. Definition is based on a *sui generis* procedure of acquisition of Greek nationality from an ancestor, even when the ancestor has already passed away. The objective of this procedure is to determine a direct relationship between an ancestor that once held Greek nationality and the person applying for nationality to be granted on the basis of *ius sanguinis*. Quite often, this procedure is equivalent to nationality acquisition of whole – one or more – families, provided it is proved that a certain ancestor was a Greek citizen. Given that the provisions that put into practice the principle of gender equality in 1984 have been implemented retroactively, the right to acquire Greek nationality may also be established where Greek origin exists on the mother's side.

It must be noted, however, that there is no article in the Code of Greek Nationality that clearly defines the exact contents of the procedure for nationality definition. It is only stipulated that the Secretary General of the Region is mandated to issue the confirmatory acts for the definition (art. 21). However, it is not evident from any provision what exactly 'definition' is or what the related necessary prerequisites are. Naturally this deficiency may not be an imperfection of the law,

but a conscious option of the lawmakers' not to submit the procedure of nationality definition to transparent legal limitations. The procedure is covered in detail in the relevant circulars of the Ministry of the Interior addressed to its services. Particular legislative lacunae are addressed by the executive power's regulatory acts. This is particularly true when it comes to assigning the *homogenis* status. The answer to the question 'who are the Greek *homogenis*?' has some historical constants, but a series of variables as well (Christopoulos & Tsitselikis 2003b: 87-89). The historical constant and limit is subordination to the orthodox *genos*: only Christian orthodox people may be *homogenis*. The variables mainly consist of a series of deviations that historical conjuncture dictates to the administration, according to international or domestic circumstances. The terms *homogenis* and *allogenis* are not defined as strict legal categories, but rather as flexible ideological concepts susceptible to change according to the political priorities of the times (Baltsiotis 2004a: 88). In this framework, their meaning is under continuous negotiation and confidential administrative consultation.

As a rule, *homogenis* are individuals of Greek origin and of Greek consciousness, as well. The case law of the Council of State reaches that conclusion, while examining the concept of (the opposite of *homogenis*), *allogenis*.⁴⁴ This relevant decision clarified two issues. First, that participation in the Greek nation is not determined on the basis of ethnic origin alone. Non-ethnic Greeks may also be part thereof, provided they assimilate. Second, a Greek national consciousness and a non-Greek identity are mutually exclusive (Stavros 1996: 119).

Consequently, a definition of *homogenis* could serve the needs of a given historical-political conjuncture, but it could not satisfy the respective needs of another period (Tsioukas 2005: 34). The perturbed history of Greek nationality could not bear a static definition of the term, in accordance with the latter of which, the quality of *homogenis* is attributed to citizens of certain countries or residents of certain regions that are of Greek descent. One of the numerous indicative examples is the following: Vlachs who migrated to Romania during the 1920s and 1930s constituted one of the target groups *par excellence* of the first legislative instruments on the withdrawal of Greek nationality from Greek *allogenis*. During the 1990s, the certification of an Albanian citizen of Vlach origin by the Greek consulate of Korce in South Albania was a necessary prerequisite for him or her to acquire a special *homogenis* identity card (Christopoulos & Tsitselikis 2003a: 33). This card proves that he or she belongs to the Greek ethnic group; it is also a prerequisite for the issuance of residence and working permits as well as for full access to special benefits for social security, health and education (Tsitselikis 2004: 7).

Based on the definition procedure, a sort of dormant nationality is established. This dormant nationality is formally entrenched when the person proves that his or her ancestor had been registered in the rolls of a municipality of the Greek state. The legal basis of Greek nationality derives from this registration. The related 'municipal roll certificates' constitute the legal presumption of Greek nationality. The local authorities may issue them following the submission of an application either via the Greek Consulates abroad, or directly to the municipality. Registration of the parents' marriage, as well as that of the interested party's birth in the rolls of the municipality or community of the Greek state constitutes a prerequisite for the issuance of the related certificates.

The *homogenis* that are able to produce such certificates of their ancestry follow a trouble-free and flexible procedure of definition for the acquisition of Greek nationality. Otherwise they have to follow the ordinary naturalisation procedure, but are exempted from the prerequisite of ten years lawful prior residence in the country and the 1,500-euro fee which normally applies. The authorities who handle the definition procedure are also different from those who deal with naturalisations. Naturalisations have always fallen within the mandate of the Ministry of the Interior and the related investigations have always fallen within the mandate of the respective Directorate of Nationality of the Ministry. On the other hand, the authority for nationality definition is particularly decentralised. In 1995,⁴⁵ the authority for issuing acts for nationality definition was transferred to the country's Prefects, while the related investigation remained with the Ministry's central services. In 1998,⁴⁶ the entire procedure, as well as prior investigation was transferred to the Regional Services. The Secretary General of the Region signs the decision for the acquisition of nationality. The very large number of definition applications submitted during the 1990s explains this initiative for decentralisation. Although it answers certain needs, many objections have been raised, as to if and to what extent the Regional Services are sufficiently staffed, in order to deal with the complicated issues regarding nationality definition that arise during the investigation (Grammenos 2003: 152-155).

It should be mentioned though that a number of cases of investigation for nationality definition remain unofficially within the mandate of the central services of the Ministry of the Interior, because of the particular 'national significance' that they present. This fact demonstrates the lack of trust – which in many cases is justified – in the judgement of the Regions.⁴⁷ These cases refer to:

- Turks of Thrace who have lost Greek nationality in various ways in the past.
- Slav-Macedonian political refugees who have not been considered 'Greeks with regard to *genos* and who have not reacquired Greek na-

tionality upon their repatriation', in accordance with the related ministerial decision of the first socialist government on 'Free repatriation and conferment of the Greek nationality to political refugees'.⁴⁸

- The so-called fugitives in Bulgaria. These are mainly members of minorities of Bulgarian descent who fled Greek soil after the Second Balkan War until the outburst of the Civil War and had gone to Bulgaria.
- The Albanian muslims of Thesprotia (Chams) that were forced by the Greek National Army to leave Greece and go to Albania during the summer of 1944. Their nationality was withdrawn in a legally contestable mode by simple erasure from the municipality rolls.
- The Aromanian-Vlachs who began to migrate to Romania in the 1920s.
- Greek-Armenians, who directly migrated to the Republic of Armenia of the ex-USSR, and who were persecuted in Turkey during the 1920s.
- Greek Jews, who had begun to migrate to the land of the future Israel, even before the beginning of the Second World War.⁴⁹

7.3.2.2 *The Greek Pontian 'homcomers' from the former USSR*

Sweeping changes have taken place since the end of the Cold War on the population map of Greece. The government estimates that almost 180,000 Pontian 'homcomers' from USSR countries reside permanently on Greek territory. By the end of 2003, almost 125,000 people had acquired Greek nationality, mostly through the definition procedure. According to the General Secretariat for Home Comers of the Ministry of Macedonia-Thrace, the majority of the *homogenis* from the former USSR come from Georgia (52 per cent), Kazakhstan (20 per cent), Russia (15 per cent), Ukraine (2 per cent) and Uzbekistan (2 per cent) (Ministry of Macedonia-Thrace 2000: 51). *Homogenis* that did not desire to acquire Greek nationality, mainly in order not to lose their former one,⁵⁰ have been provided the special *homogenis* identity card.

The Greek state uses the term 'homecoming' for Pontians coming from the states that succeeded the USSR, mainly Georgia and Kazakhstan, as well as for the Greeks of Marioupolis of the Ukraine. This term is neither ideologically neutral nor pragmatically valid. It originates from a fiction, an illusionary past. The term 'homecoming' illustrates more the peoples' expectance to escape poverty than their will to virtually 'return' to the home country. These people had never left Greece in order to come back to it. It is also characteristic that the Greek state persists in calling them '*homogenis* of Pontian origin' or 'Greek-Pontians'. On the contrary, the Greek public is more familiar with the term 'Russian-Pontians', which is rather derogatory.

The Greek state has shown extreme generosity towards the ‘Greek-Pontians’ regarding nationality. Most of these people were granted the Greek nationality under specific regulatory provisions, by means of a new summary mode of acquisition, later called ‘specific naturalisation’.⁵¹ Thousands of such ‘specific naturalisations’ have been registered ‘as opposed to any other general or specific provision that prescribed the submission of a series of supporting documents’.⁵²

7.3.2.3 *The fluid status of the Greeks from Albania*

Most of the migrants that came to Greece during the 1990s were Albanians. According to the National Census of 2001, Albanian immigrants represent more than half the total number of immigrants in Greece and amount to half a million.⁵³ According to reliable information from the Ministry of Public Order, approximately 200,000 of these were conferred with the status *homogenis* in accordance with the relevant Ministerial Decision.⁵⁴ The exact number is not known, since the Ministry of Public Order refuses to publicise it, invoking ‘reasons of national security’ (Baldin-Edwards 2005: 2).

A critical issue here is the Greek state’s strategic choice to absolutely refuse Greek nationality to the Greeks from Albania. There is a fear that acquiring Greek nationality may cause the withdrawal of their Albanian nationality and consequently represent the definitive historical extinction or statistical death of the Greek minority in Albania. The Albanian Constitution does not prohibit dual nationality. Nonetheless, Greek-Albanian relations have been dogged by a serious lack of trust. In both states there survives residual, though ever decreasing, open irredentism towards each other. The endeavour for bilateral settlement, which was intensified in the summer of 2002 with a view to concluding a bilateral agreement between Greece and Albania, was not successful. Ever since, the issue is pending, but the complaints within the population of the Greek minority of Albania are growing.⁵⁵

The only categories of Albanian nationals who have lately acquired Greek nationality have been the former holders of *homogenis* passports from Turkey and Albania. As of 2001, those individuals who were in a position to prove that an ancestor of theirs had Greek nationality in the past were able to acquire Greek nationality.⁵⁶ In 1998, the provision of a special *homogenis* identity card ‘to the Citizens of Albania who are of Greek descent and live in Greece’⁵⁷ was opted for instead of conferment of the Greek nationality. The police authorities who conduct the investigation, in order to ascertain a person’s Greek origin, provide these identity cards. The identity cards are valid for a three-year period, are renewable and are granted to the spouses and descendants of *homogenis*, as well.

This brief description demonstrates in the clearest possible way that a double standard exists regarding the policy for the acquisition of nationality by Greek *homogenis*. This policy has created numerous problems. The Greek state does not take into account the genuine will or capacity of these people to be integrated into the Greek society in any of the criteria for granting (or not) Greek nationality. The only criteria which have been put into practice constitute the results of obvious – although rarely admitted – political choices, mainly in the area of interstate relations or in the name of ‘national commitment towards Greek brothers’. These criteria, however, generate obvious injustices, inequalities and impasses, which the Greek state has not yet managed to tackle.

7.3.3 *Institutional arrangements: The Greek law on nationality as an exceptional normative framework*

The Greek nationality law is par excellence a normative framework of multiple exceptions from the general rules governing the relationships between the administration and individuals. These exceptions originate from two provisions of the Code of Greek Nationality. According to art. 8, para. 2 of the Code, *the decision rejecting an application for naturalisation may not be justified*, whereas, as a general constitutional principle, all administrative acts unfavourable to the individual should be fully justified. The second provision prescribes that the articles of the Code of Administrative Procedure concerning the deadline for the administration’s obligation to reply to the citizens’ requests do not bind the administration ‘in cases related to the acquisition, recognition or reacquisition of Greek nationality’.⁵⁸ The first exception entails the non-subordination of administrative acts or omissions related to nationality to any jurisdictional control. The second exception excludes any obligation to respond to individuals addressing their claims *in scripto* to the administration.⁵⁹ These two exceptional characteristics are the main reasons for the poor case law of Greek administrative justice on issues related to nationality loss or acquisition.

Without overstating the case, it is obvious that this regime of multiple exceptions dominating Greek nationality law flagrantly limits the possibility of effective juridical remedies and judicial control. These particular legislative provisions incorporate the consolidated view of the Greek administration that all tangible issues related to nationality do not pertain to the exercising of human rights and freedoms, but to the field of exercising sovereignty and protecting state interests. The limited jurisprudence of the Council of State, the country’s highest administrative court, also proves the above-mentioned position. It therefore comes as no surprise that its case law is non-existent for cases of na-

tionality acquisition. The Court's case law is also marginal regarding cases of nationality withdrawals.⁶⁰

This perception, which is not a Greek inspiration or novelty, has largely contributed to the formation of a systemic maladministrative mentality of the Greek authorities on issues pertaining to nationality. This mentality is founded on the unlimited exercising of discretionary powers on issues related to nationality loss and acquisition. Dispensation from the general terms provided by the Code of Administrative Procedure allows the administration to keep naturalisation applications in the archives for years and years, even decades. The typical answer, which is given verbally by the Ministry's employees to the applicants, is that 'your file is under examination'. The discretionary power of the administration on such cases is, strictly speaking, infinite. It is also indicative that the first administrative document inviting the Ministry's staff not to abuse this discretion was the latest circular issued for the implementation of the new Nationality Code in January 2005.⁶¹ An eminent professor of constitutional law who had been assigned by the socialist government prior to the 2004 elections as Minister of the Interior, declared in a conference: 'When I took over my post I requested an official briefing on nationality issues. It was then that I first heard about a verbal instruction by the former Minister. The instruction was that public servants should not proceed with any naturalisations of people from the Balkans' (Alivizatos 2005).

This verbally communicated policy has just as much to do with the content of the distinction *homogenis-allogenis* which encourages a differentiated treatment of foreigners on issues pertaining to nationality acquisition. Recognition of the *homogenis* status for a foreign national represents further privileged treatment as far as the procedure for acquiring nationality is concerned. Nevertheless, as we have already pointed out, the virtue of *homogenis* is extremely loose and flexible, dictated by what the Greek authorities consider as necessity, interest or threat at that specific moment. As a result, the policy of nationality acquisition or loss depends less on the law, and more on the Ministry's circulars and on the will and (overt or covert) motives of political leaders or high ranking administrative officials.

This phenomenon of *de facto* reversal of the hierarchy of legal norms – the circulars obtaining greater legal significance than the law – is familiar to the Greek administration and does not only refer to issues related to nationality. The larger the discretionary powers of the administration, the wider the normative framework covered by the ministerial circulars. One extreme, but indicative case is that of the Common Ministerial Decision on the 'definition of nationality of *homogenis* of Pontian origin from the USSR'⁶² issued in the early 1990s, providing for the acquisition of Greek nationality by the Pontian 'homecomers' by

summary procedure. This decision, which gave the green light to thousands of nationality acquisitions for the first time in Greek history since the population exchanges of 1923, was actually *contra legem* until 1993. At the time of its issuance, the mandatory law of 1940, which practically prohibited the acquisition of Greek nationality by this population group, was still in force.⁶³ It was only three years later that the law of 1940 was abolished.⁶⁴

7.4 Conclusions

Nationality has never been on the political or even the academic agenda in Greece. There are specific reasons for this. On the one hand, the Greek state never felt safe enough to address nationality matters, considering the issue as *par excellence* 'nationally sensitive'. On the other hand, Greek society, was never really concerned with nationality matters, and reasonably so. The only occasion on which such matters became broadly known was the case of nationality acquisitions by the Greek Pontians of the former USSR. This issue preoccupied public opinion more because of its scandalous political nature than for any other reason. The Greek people showed their disdain for governments who 'create Greeks'⁶⁵ in order to collect votes.

Greek academia has very little to demonstrate in the field of nationality. Apart from limited literature related to private international law (Papassiopi-Passia 2004) or to former high-ranking civil servants of the Nationality Directorate of the Ministry of the Interior (Grammenos 2003), the disciplines of Greek legal, political science or sociology have made a limited contribution to the relevant research. Issues such as 'active', 'civic' or 'social' citizenship, which have recently preoccupied the policies and literature of other countries in the European Union, are simply not on the agenda in Greece (Tsitselikis 2004: 14).

At the outset of this century, the Greek state was highly defensive and phobic towards migration, which has had an impact on Greek policy on nationality loss and acquisition. It is commonly acknowledged today that 'it took more than five years for the Greek government to realise that immigrants were there to stay and the new phenomenon could not be managed only through stricter border control and massive removal operations' (Grobas & Triantafyllidou 2005: 5). A leading NGO in the field of human rights pointed out that 'the Greek legislator [...] considers migration, at the best of times, a historical accident, and at the worst, as a crime.'⁶⁶ As of the first year of its operation, the Greek Ombudsman has stressed that 'as in other European countries, the insistence of the Greek law on *ius sanguinis* (the so-called blood principle) generates many problems [...], not only for foreigners of non-Greek

descent who settle permanently in Greece with the intention to integrate into Greek society or acquire Greek citizenship, but also for individuals of Greek descent seeking to acquire Greek citizenship or to have their citizenship recognised, as well as for stateless persons and persons of indeterminate citizenship' (Greek Ombudsman 1999: 28).

Towards the end of the twentieth century, the *ius sanguinis* principle starts being influenced by residence-based modes of nationality acquisition in a considerable number of European countries. To date, this fact does not seem to bother the Greek authorities. The new Nationality Code, which was adopted by the Greek Parliament at the end of 2004, does not even slightly move in the direction of adopting specific rules for nationality acquisition by individuals born and living in Greece. As a result, their naturalisation procedure is subject to the same – in practice stricter – rules as the generally applicable ones. For the foreign parents of children born in Greece, the lapse of a ten-year period suffices; children born in the country have to first come of age (i.e., eighteen years), unless, of course, they acquire nationality as unmarried minors, through their parents' naturalisation. This is an obviously introverted and weak-spirited legislative development: one (more) lost chance towards a perceptive and far-sighted planning, disengaged from out-of-date views and obsolete methods, at least as far as standards for human rights are concerned.

The Code was passed en bloc without any prior public consultation with relevant bodies, with an absolute majority of votes by the two big political parties. It is rather indicative that the Code was elaborated by the Ministry of the Interior during the previous socialist government and was brought into Parliament and passed – without the slightest amendment – by the new conservative government.⁶⁷

The various aspects related to nationality loss or acquisition date back to the foundation of the modern Greek state. This model of state is based on the following combination: on the one hand, sovereignty of the Greek political community is founded on the recognition of the rights and freedoms of all, without discrimination. Yet, on the other hand, accession to nationality is ensured through the recognition of certain ethno-cultural characteristics, according to the priorities of the times.

Nevertheless, the abovementioned model has been going through a structural crisis due to the political conflict between the left and the 'nationally-minded state' (*ethnikofron kratos*). This conflict dominated the Greek political scene during the major part of the twentieth century. In its longwinded culmination – from the beginning of the Civil War till the end of the dictatorship (1946-1974) – the Greek state went

so far as to consider Greek communists were not (worthy to be) Greeks. Therefore, they were not entitled to Greek nationality.

Within this conflict, the Greek state has been threatened and triumphed, not by achieving a consensus, but by forcing the subordination of the majority of the Greek people. Apart from the Left, which was considered internal enemy number one until 1974, there remain considerable relics of national minorities, perceived collectively as the Trojan Horses of neighbouring irredentist nationalisms. After the fall of the dictatorship in 1974, the communists stopped being perceived as enemies, giving their place to individuals belonging to minorities. However, the appearance of a million migrants (particularly from Albania) during the last decade of the twentieth century has generated new suspicions. 'What will happen with a new Albanian minority in Greece?' is a common but often unmentionable fear.

In fact, the persistence of old attitudes is such, that the Greek state and society still consider themselves under a continuous state of threat, even if from an impartial point of view such a threat is non-existent.

According to the tradition of 1789, the Greek polity is indelibly sealed by the classical pattern of Jacobinism. Belonging to this polity signals the suppression of any mediatory body between the state and the individual with the sole exception of (one) nation (Wallerstein 2003: 655). Nevertheless, the Greek Jacobinism is *imperfect* (Christopoulos 2004b: 359-361). If in its traditional form this ideology sees the nation as the exclusive mediator between state and individual, the Greek version has an additional pretension: the interference of the (orthodox) *genos*.

The Greek political community resorts to assimilation strategies, because it cannot conceive of non-assimilated members. That has been the essence of the country's policy towards minorities all during the twentieth century. However, the Greek political community cannot conceive that some individuals are in position to be assimilated and, therefore, potentially entitled to Greek nationality. To put it simply: anybody can become French, as long as he or she is inspired by the ideals of the French revolution, nation, etc. For the Greek perception, Turks cannot become Greeks, unless they convert to Christianity.⁶⁸

In concluding, we would argue that the abovementioned Greek model displays the symptoms of definite historical exhaustion. The major challenge of its redefinition has already matured. The reason for this is the recent massive migration phenomenon in the country. The structural contradiction of this model lies in that, on the one hand, it regards assimilation as an absolute condition for the social integration of migrants, while, on the other hand, it obstinately refuses Greek nationality to the overwhelming majority of these people, in the name of the pro-national and static category of the orthodox *genos*. In other words,

adherence to the rights-oriented 1789 ideology is undermined by a purely ethno-cultural, ontological perception of the foundations of the political community. Of course, this is no Greek peculiarity. 'National citizenship – as an ideology and an institutional practice – has always embodied both of these components' (Soysal 1996: 17).

On the threshold of the twentieth century the Greek nationality finds itself facing new tormenting dilemmas and in quest of brave new inclusion strategies.

This is its inescapable point in time.

Chronological table of major reforms of Greek nationality law since 1945

Date	Document	Content of change
7 December 1947	Resolution XXVII of the Greek Parliament (Official Gazette A' 267)	Withdrawal of Greek nationality of Greeks living abroad, acting in an anti-national way.
1948	Law 517/1948 'on the nationality of the inhabitants of the Dodecanese'	Nationality of the inhabitants of the Dodecanese (the Dodecanese was annexed to the Greek territory in 1947).
20 September 1955	Greek Nationality Code: Legislative Decree 3370/1955 (Official Gazette A'258)	
22 July 1968	Emergence Act 481/1968 (Official Gazette A'164)	Prerequisite of 8 years of previous residence in the country for the naturalisation application (art. 3).
8 May 1984	Law 1438/1984 (Official Gazette A' 60)	Principle of gender equality in the field of nationality law and reduction of the age of majority from 21 to 18 years.
17 December 1989	Law 1832/1989 (Official Gazette A' 54)	Access to nationality for foreign female spouses of Greek nationals whose civil marriage abroad did not entail such acquisition under previous law (Art. 40, para.1 amended art. 7, para. 3 of Law 1438/1984).
6 April 1990	24755/6.4.1990 Common Ministerial Decision (Ministers of the Interior, Public Defence and of the Presidency of Government)	Special procedure for nationality acquisition by the 'Greeks of Pontian origin'.
23 April 1993	Law 2130/1993 (Official Gazette A' 62)	Specific status of nationality acquisition for the Greek repatriated <i>homogenis</i> from the <i>ex-Soviet Union</i> and naturalisation of <i>homogenis</i> residing abroad; increase of legal residence to 10 years during the last 12 years or 5 years after the naturalisation application.
15 June 1995	Law 2307/1995 (Official Gazette	Transfer to the Prefects of the

Date	Document	Content of change
30 May 1997	A'113) Law 2503/1997 (Official Gazette A'107)	authority to issue Acts for the definition of the Greek nationality (Art. 9, para. 1). Naturalisation of spouses of Greek nationals. Exemption from the generally applicable rule of 10 years in the country (Art. 14, para.2).
22 October 1998	Law 2647/1998 (Official Gazette A' 237)	Transfer to the Secretary General of the Region of the authority to issue acts for the definition of the Greek nationality (Art. 1, para.1a) (Circular 69381/4396/6.2.1999).
25 June 1998	Law 2623/1998 (Official Gazette A' 139)	Abolition of art. 19 of the Greek National Code on withdrawal of the Greek nationality (Art. 9, para.14).
16 February 2000	Law 2790/2000 (Official Gazette A' 24) on the reinstatement of the situation of repatriated homogenis from the ex-Soviet Union.	Specific commissions providing opinion on the Greek origin of the homogenis; special <i>Homogenis identity card from ex-Soviet Union</i> .
2 May 2001	Law 2910/2001 (Official Gazette A' 91, 27.4) on the entry and residence of foreigners in the Greek territory.	Introduction of a fee of 1467 euros for the application for naturalisation; Abolition of transitory character of the Law 1438/1984. Regulation on gender equality as to reacquisition of nationality by women who had lost her nationality due to wedding Abolition of the prerequisite of five-year period of legal residence in the country after the naturalisation application is submitted.
1 May 2002	Law 3013/2002 (Official Gazette A' 102)	Abolition of the naturalisation fee for <i>homogenis</i> ; <i>reacquisition of Greek nationality for a child born by a Greek mother who lost nationality due to recognition by a foreign father</i> .
24 December 2003	3207/2003 (Official Gazette A' 302)	Five years of residence for the naturalisation of athletes of the Olympic Greek national team (Art. 8, para. 13).
10 November 2004	Greek Nationality Code: Law 3284/2004 (Official Gazette A' 217)	Three years of legal residence in the country before the naturalisation application for the spouses of Greek nationals. Abolition of art. 32 of the Legislative Decree 3370/1955 which recognised as Greek

Date	Document	Content of change
		nationals, individuals registered in the Greek Consulates' records of the United Arab Republic till 1947.

Notes

- 1 Even earlier, as it is mentioned in the relevant chapter, in the so-called Revolutionary Constitutions of the 1820s.
- 2 See Ministry of the Interior, Circular 412, 19 December 1960 on the 'meaning of the terms *homogenis* and *allogenis* within the Greek Code of Nationality'. Forty years later, in another circular from the Ministry of the Interior providing relevant guidelines to the authorities with regard to the application of a new law, it is stated that a *homogenis* foreigner is 'a person not having the Greek nationality but, on the contrary, belongs to the Greek nation. In other words, it has to do with a foreigner with links to the Greek nation, in terms of language, religion, common tradition, and customs. All these criteria define someone as *homogenis*' (94345/14612/3-5-2001).
- 3 See retrospectively art. 4, para. 3 of the Constitution 1975-86-01, 7, para. 2 of the Constitution of 1968, 3 of the Constitution of 1952, 4 of the draft Constitution of 1958, 6 of the Constitution of 1927, 5 of the Constitution 1925, 3 of the Constitutions 1991 and 1864, where reference is made to the 'qualifications' of Greek citizens set out by the laws.
- 4 Sect. B 'On the General Rights of the residents of the Greek Territory', para. b: 'The indigenous residents of the Greek Territory that believe in Jesus Christ are Greek, and enjoy all political rights [...].' Para. d. 'The people coming from out of the country's borders residing or sojourning in the Greek territory are equal to the autochthonous residents before the law.' Para. e. 'The Administration has to be concerned with the issuance of a law on naturalisation of foreigners that desire to become Greek.'
- 5 Symbolically enfeebled, since the term 'residents of Greek territory' of the title of the relevant sect. B of the Constitution of 1822 was replaced by the term 'Greeks' in 1823.
- 6 A transitional provision sets out that a Greek is whoever has acquired nationality in line with the prior systems. It refers expressly to the acquisition of nationality by philhellenes, while from then on the law focuses on the father's nationality (Georgiadou 1941: 9).
- 7 Peace treaty between Greece and the Ottoman Empire of 22 November 1897, which was ratified by the law BΦIE' on 6 December 1897, Official Gazette, Issue no 181, 6 December 1897, p. 497.
- 8 Treaty between Greece and the Ottoman Empire of 1/14 November 1913, which has been ratified by the Law 79, Official Gazette, Issue no 229, 14 November 1913, p. 809.
- 9 14/27 November 1919, which has been ratified by the Law 2433, Official Gazette, Issue no 162, 23 July 1920, p. 1615. The treaty provides for the compulsory automatic acquisition of the Greek nationality by the Bulgarian citizens who were settled in Western Thrace before 1913. In that way, the *ipso jure* acquisition of nationality concerned exclusively the former Ottoman subjects of the annexed part who had acquired the Bulgarian nationality under the Treaty of Istanbul, in 1913. The Bulgarians that had settled in the region following 1913 were allowed to acquire the Greek nationality, though only upon the Greek government's authorisation.

- 10 Decision No 22 of 9 May 1924 of the Mixed Committee of the League of Nations. In this way the emigrants that visited Greece were treated as Greek on the part of the administration, so that their enlistment was ascertained. The situation ended in 1940, when, in terms of the related Mandatory Law 2280, their foreign nationality was retroactively recognised.
- 11 13 October 1926, ratified by the Law 3655 on 13 October 1928.
- 12 Art. 5 of the Decree of 12 August 1927 'on ratification and amendment of the Legislative Decree of 13/15 September 1926 'on amendment of provisions of the Civil Law'.
- 13 See art. 105, para. 1 of the Constitution in force.
- 14 See art. 17, para. 1,b of the Code of Greek Nationality.
- 15 The Italian citizens that were residing in Dodecanese on 10 June 1940 and their children that have been born subsequently acquire *ex lege* the Greek nationality, in accordance with a law (517/1948), which was issued for the implementation of the Paris Treaty between the Allies and Italy.
- 16 As already mentioned, in the course of rather unpredictable years for a newly-established state, even the Constitution of Trisina of 1827 had provided for the loss of nationality. Art. 29 thereof stipulates that 'any autochthonous or naturalised Greek residing in the Greek territory and enjoying citizen's rights, who prefers to resort to the protection of a foreign force, ceases to be Greek citizen'.
- 17 As a rule, loss and withdrawal of Greek nationality (regulated by the art. 17-21 of the Code of Greek Nationality) is incurred due to the acquisition of a foreign nationality and the express intent of the person, due to the assumption of service in a foreign state or due to adoption by a foreigner. It is of importance, though, to underline that even the expressed intention to renounce the Greek nationality, where the person has been naturalised abroad without prior authorisation, does not bind the Minister of the Interior to withdraw nationality.
- 18 Decree of 12 August 1927 on the ratification and amendment of the Legislative Decree 'on amendment of provisions of the Civil Law', 13/15 September 1926.
- 19 The transitional provision III, para. 6 provided for the article being in force until its abolishment by law.
- 20 The target group of the legislation on the withdrawal of nationality from *allogenis* belonging to minority groups was gradually being differentiated: in the first stage, the main victims of withdrawal of nationality were ethnic Macedonians. In the following, and mainly due to the shrinking of the Greek minority of Istanbul and the invasion of the Turkish armament in Cyprus, the measure targeted the Turkish minority of Thrace.
- 21 Mandatory Law 2280/1940 (extensively in: Kostopoulos 2003: 56).
- 22 The term 'unworthiness' appears in the Law 580/1943 during the occupation period and is, in a very particular way, maintained in force after liberation, by virtue of a decision of the Ministerial Council in 1946.
- 23 By art. 1 of the Legislative Decree 4234/23.7.1962 'on regulation of issues concerning the country's safety'.
- 24 In line with art. 20, para. 2 of that time (currently 17) of the Code of Greek Nationality.
- 25 See art. 1 of the Constitutional Act /67 of the Constitutional Act of the regime 'on withdrawal of nationality of the persons acting in an anti-national way and on the confiscation of their property'.
- 26 Art. 10 of the Constitutional Act of 5/8-7/8/1974.
- 27 Art. 4, para.3, al. 2b of the Constitution. The norm implementing the constitutional provision is found in art. 17 (till 2004, art. 20) of the Nationality Code.
- 28 By art. 9 of the Law 1540/1985 'on regulation of the properties of political refugees'.

- 29 Joint Decision 106841/1983 of the Ministers of Interior and Public Order on 'Free repatriation and granting of Greek nationality to political refugees', in accordance with which 'all Greeks – by *genos* – who had fled abroad as political refugees in the course of the Civil War 1946-1949 and because of it, may freely return to Greece, even if their nationality had been withdrawn.'
- 30 By art. 9 of the Law 2623/98. Given that the abolition of art. 19 had no retroactive impact, the procedure for the re-acquisition of Greek nationality falls under the procedure for the naturalisation of *allogenis*.
- 31 According to a non-registered document of the Ministry of the Interior, Public Administration and Decentralisation addressed to the National Commission for Human Rights, dated 18 June 2003.
- 32 The Ministerial Council, after the fall of the colonels' regime, according to a decision classified as 'Top Secret' 'Issuing of special passports of *homogenis* to non-Greek citizens from Turkey and North Ipirus Act No 22, 1/3/1976' has affirmed that 'taking into consideration: that many *homogenis* that have been deprived of their ordinary passports [by the countries of origin] meet abroad insurmountable difficulties for their transfer, residence and right to work; that their naturalisation is not possible and that the passport does not always constitute full proof of citizenship, but refutable presumption of citizenship, decides: to provide Greek passports, the acquisition of which does not attribute the Greek citizenship: ... (a) to the *homogenis* from Turkey deprived of their Turkish citizenship. (b) The *homogenis* from Turkey residing in Greece more than five years without Turkish passport'. The difficulties encountered by any stateless citizen abroad seem absolutely reasonable. However, the Greek lawmakers realised that the naturalisation of these persons was not possible. At the same time they provided them with a Greek passport, which did not grant them Greek nationality. This attitude generated questions, at first sight. The well-known passport of the *homogenis* of Turkey and Albania (O.T.A.) established a third category of people who move between the status of citizen and the status of foreigner or stateless person. In line with the same Ministerial Decision, *homogenis* from Albania were subject to the same status, as well. However, the prerequisite of non-possession of the Albanian nationality did not exist for them, for the Albanian regime never used the measure of withdrawal of nationality en masse, as the Greek or the Turkish ones did.
- 33 General Order 212 of the Ministry of the Interior, dated 20 October 1978, on 'Regularisation of nationality of the Tsigans residing in Greece'. See also the General Order 81 of the abovementioned ministry, dated 12 March 1979.
- 34 Pursuant to art. 1 para. 2 of the Code of Greek Nationality, according to which: 'The Greek nationality is acquired at birth by any person that is born on the Greek territory, if this one does not acquire at birth a foreign nationality or is of unknown nationality.'
- 35 According to art. 127 of the Civil Code, as amended by the Law 1329/1983.
- 36 By art. 32 of the Law 2130.
- 37 By art. 12, para. 2 of the Law 2503.
- 38 See art. 5, para. 2a of the Law 3284.
- 39 By art. 58 of the Law 2910/2001.
- 40 A year later, *homogenis* are exempted from the obligation to pay the naturalisation fee, under an amending provision (by the art. 21, para. 3 of the Law 3013/2002).
- 41 Pursuant to art. 4, para. 4 of the recent Civil Servants Code (Law 2683/1999) 'whoever acquires the Greek nationality by naturalisation, may be appointed as a civil servant only one year following acquisition'. In the specific case, the period of one year has replaced the one of five years, which was the rule in the previous Code of 1977. A new restriction, of a three-year period, specifically applies to civil servants at

the Ministry of Foreign Affairs (art. 53 of the Ministry's Regulation), as well as to court clerks (art. 2, para. 2 of the Law 2812/2000). Finally, it is worth mentioning that a provision of 1977 ruling that '*allogenis* that have acquired the Greek nationality may not be appointed as notaries', was abolished in 2000 (art. 19, para. 1 of the Law 2830/2000).

42 By art. 9 of the Law 2623/1998.

43 Art. 4, para. 3 of the Constitution 1975/1986/2001.

44 '*Allogenis* Greek citizens of non-Greek descent are those, whose origin, distant or not, is linked to persons of a different nation; who by their actions and general conduct have expressed sentiments confirming the lack of a Greek national consciousness, in a way [that proves that] they cannot be considered as having assimilated into the Greek nation.' (Decision 57/1981)

45 By art. 9 of the Law 2307.

46 By art. 1 of the Law 2648.

47 In this regard, if the Regional authorities have evidence that the person requesting nationality belongs to certain population groups they forward the file to the competent Directorate of Definition of the Ministry of the Interior.

48 Joint Ministerial Decision 106841/29.12.1982 of the Ministers of the Interior and Public Order.

49 Under Act 621 of the Ministerial Council of 1949, Greeks, Armenians and Jews were losing Greek nationality through the provision of a one-way travel document to Israel and the USSR, after having declared in writing that they did not wish to return to Greece (see Baltiotis 2004a: 90-92 and Kostopoulos 2003: 55).

50 It should be mentioned that the Nationality Code of Ukraine and Georgia provide for the loss of nationality in case of acquisition of another one.

51 Circular 7914/6330/2.3.2000 of the Ministry of the Interior on 'Acquisition of the Greek nationality by *homogenis* of ex-USSR'.

52 Circular 28700/11333/26.5.1993 of the Ministry of the Interior on 'Notification of provisions of the Law 2130/1993'.

53 According to the census results, 443,550 of the declared 796,713 immigrants are Albanians (Pavlou 2004: 373). Valid estimates show that their number has increased by almost 200,000, reaching one million (Baldwin-Edwards 2005: 4).

54 4000/3/10-/2001.

55 In fact, the Greek state is confronted with an impasse stemming from the incredibly large number of Albanian citizens who have been given the special *homogenis* identity card. As already mentioned, the number of Greek Albanians cannot exceed 100,000 people, even according to the most Greek-oriented statistical assessment (against the 60,000 that Albania recognises). However, the holders of these cards amount, as already mentioned, to double that number. The motives for this policy to provide the *homogenis* identity card to a large number of Christian Orthodox Albanians who have migrated to Greece can be questioned. The only thing certain is that the prospect that these people all acquire Greek nationality causes certain discomfort to the Greek authorities.

56 Until recently, there were people, descendants of Greek minority families from Albania born in the Greek territory during the 1940s, 1950s and 1960s; these people continued to have Albanian nationality, albeit they had no bonds at all with Albania nor had they ever visited it. We refer to the group of persons that has been already examined, the 'quasi-stateless people', according to the aforementioned Ministerial Decision of 1976 (see *supra* footnote 32). Before the Second World War, the borders between Greece and Albania were open. Many individuals moved from Greece to Albania either due to family bonds or due to professional or other activities. Therefore, at the decisive moment, after the Second World War, they did not expect

the abrupt political decision of the Albanian government to close the borders with Greece. As a result, a not insignificant group of people was blockaded in Albania. They only managed to leave for the first time in 1990. A similar thing has happened in reverse, for many members of the Greek minority of Albania that have been blockaded in Greece. These people have only started to acquire Greek nationality in 1999. Until then, they had been subordinated to the particular status of semi-citizenship, in accordance with the Secret Ministerial Decision of 1976.

- 57 It should be mentioned that proof of a person's Greek origin is sufficient for Greek law. National consciousness is not examined at all, as normally applies to other cases of *homogenis*; this confirms overtly the flexible nature of the quality of *homogenis*, which has been already analysed.
- 58 See art. 31 of the Code. The ordinary deadline provided for by the Code of Administrative Procedure (L. art. 5, para. 4 of Law 2690/1999) is sixty days.
- 59 The excuse for this is 'work pressure'. On this matter we would like to draw attention to the relevant circular of the Ministry of the Interior according to which 'the obligation of the public service to respond to the applicants within the time laid down by law, is not valid when it concerns issues related to Greek nationality. The necessity of such a regulation is obvious, since much more time is required for investigation and collection of data related to such cases in order to be in position to evaluate the applications.' See Circular 32089/10641, 26 May 1993 'Notification of provisions of the Law 2130/1993 on amendments of the articles of the Code of Greek Nationality and instructions for their implementation'.
- 60 Such judicial decisions concern mainly the undue implementation of the former art. 19 of the Code of Greek Nationality (Kostopoulos 2003: 64). A recent decision of the Council of State is worth mentioning (603/2003). This one revokes nationality withdrawal from individuals that were not notified in due time. The act of nationality withdrawal was revoked based on the principle of the so-called 'protected confidence' of citizens by the administration. The grounds were that the administration was, for example, not permitted to surprise an individual who had lived for thirteen years believing he was a Greek national by birth.
- 61 'Certainly, regarding uncomplicated nationality issues, when there is no need for investigation and when the civil servant has all the documents needed, the acts of the administration will be immediate, the applicant will be informed in due time and there will be no abuse of the provision in question'. Circular of the Ministry of the Interior /102744/2709, 28 January 2005.
- 62 24755/6.4.1990.
- 63 See art. 11 and 12 of the Mandatory Law 2280/1940.
- 64 By art. 23 of L. 2130/1993.
- 65 As stressed before, the pejorative term widely used for the nationality acquisitions of Pontian Greeks is the one of 'hellenopoiisisis' i.e., 'made Greek'.
- 66 Hellenic League for Human Rights, Press Release 12/2000 on the occasion of the adoption of the new legislation on migration. See www.hlhr.gr.
- 67 The Code was voted against by the two political parties on the left, the Communist Party and the Left Coalition, their MPs expressing serious objections particularly regarding the naturalisation fees of 1,500 euros as well as the generally strict preconditions of the naturalisation procedure. None of them, however, contested the fundamental regulatory categories and concepts of the Greek nationality law, such as the preferential treatment of *homogenis*, etc.
- 68 That has been the case for a considerable number of muslims in the newborn Greek State in the nineteenth century: In order to acquire Greek nationality and reside in Greece, they converted to Christianity.

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