Undocumented Migrants in Greece: Issues of Regularization[1]

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ABSTRACT

This article studies migration from Albania into Greece and schematically looks at the socio-economic integration and/or exclusion of Albanians.

It explores the issue of regularization: first, providing an explanation for the choices made by a government by using a simple game-theoretic framework and, second, it outlines the current efforts made towards regularization of undocumented migrants in Greece.

The game-theoretic example shows that, under certain conditions, the optimal policy for a government is *not* to legalize an illegal immigrant, whereas under different conditions the optimal policy is to regularize. These conditions relate to factors such as the relative magnitude of the government's payoffs which are in turn dependent on public opinion, lobbying activities, the presence of migrants' associations and the like.

The article then reviews the case of Greece, where initially migrant workers were not regularized whereas at present there exists a new legal framework for their regularization.

The character of Albanian migration into Greece reflects two things: the changing global nature of international migration and the way in which migrants in Southern Europe are embedded in the specific model of Southern European post-industrial society.

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INTRODUCTION

Southern Europe has played a major role in shaping the global map of migration during the last few centuries (King, 1997: 3-4). Although the first migration flows into Southern Europe can be traced back to the early 1960s, it was in the early 1980s that the region witnessed a remarkable migration turnaround from emigration to immigration, both return migration in the 1970s and early 1980s, and the immigration of third world country nationals (Escriva, 1997; Fonseca, 1997; Lazaridis, 1996; Vasta, 1993). Reasons for the rapid change are multiple. One is the "diversion effect": migrants find it easier to enter the porous states of Southern Europe than traditional immigration countries with strict frontier controls. Nowadays, Southern Europe, due to its weak mechanisms for controlling migration flows, serves as a "waiting room" for those wishing to move northwards, or a destination in its own right. Another reason is the proximity of Southern Europe to the countries of migrants (North Africa, the Balkans, Eastern Mediterranean) and the geography, with long coastlines, numerous islands and mountainous regions at the borders which are almost impossible to "seal"[2] (King, 1997: 7). Cross-border smuggling has become important in relation to the massive flow of Albanians into Italy and Greece. Ease of entry is also related to inadequate immigration policies and to national bureaucracies, which, for a number of reasons (such as lack of adequate resources and know-how and widespread corruption), are incapable of tracking down visitors who stay on after their visas expire.

The specific nature of the Southern European economies – duality of a primary and secondary labour market, a thriving informal economy and a rapid expansion of the tertiary sector, which in turn has led to the expansion of employment in tourism, personal social services, shipping and the like – have created many opportunities for migrants. The seasonal nature of intensive agriculture, construction etc., and the need for technologically backward areas of the economies to survive global competitiveness, have created a demand for a flexible non-unionized, cheap labour force. Migrant workers typically operate within the informal labour market. The Catholic church has also played a role as a connecting agency between destination countries and Eastern European countries (e.g., Poland).

There have also been several long-established traditions of Eastern European migration to Southern Europe. For example, in north-east Italy there is an established tradition of migration from nearby regions of former Yugoslavia (Slovenia, Croatia), and in Northern Greece a tradition of migration of Pontian Greeks from the ex-USSR.

Lack of and/or poor statistical recording systems[3] and the illegal status and high spatial mobility of migrants make estimations of volume extremely unreliable, with different estimates being made from different sources within

the same country (Lazaridis, 1996). Simon's (1987) estimate of 2 million migrants in Spain, Italy, Greece and Portugal has been increased to around 3 million[4] in view of continued migration over the past decade (King and Konjhodzic, 1995). The movement from East to South escapes official records.

Migrants from Eastern Europe are employed in six segments or niches of the Southern European labour market, some of which are monopolized by one gender. We find males working in agriculture, as seasonal workers in periods when demand is high, as well as in construction. Many nationalities are involved, including ex-Yugoslavs in Madrid and Ukrainians, Albanians and Poles in Athens. Some are employed in small manufacturing and artisan workshops, others in tourism and catering (males and females). Street-hawkers are all males but females dominate domestic service, some as live-in servants others on a live-out basis (Lazaridis, 1999). Other females are involved in the sex industry (Lazaridis, 2000). Each of these occupations involves some interaction with local people, but because they operate through the informal sector, with no contracts, or welfare provisions, and with wages below the legal minimum, they embody marginality and social exclusion.

With regard to policy making in Southern Europe, both exogenous factors (these countries are signatories of the Schengen Agreement)[5] and endogenous factors must be taken into account. No Southern European country has adequate immigration infrastructure or legislative powers, although framework immigration laws were introduced at different stages in the four countries: 1985 in Spain, 1986 and 1990 in Italy, 1991 in Greece and 1993 in Portugal. Initial Italian and Spanish legislation were introduced prior to an immigration crisis and were domestically inspired, focusing on the regularization of illegal migrants. Portugal and Greece, on the other hand, made no significant attempts to introduce new legislation until 1993 and 1991, respectively. However, in 1990 following the collapse of communism in Eastern Europe, Albania, Greece and Italy received larger inflows of migrants from ex-communist countries. The Martelli Law had been passed in Italy, but it was not until 1991 that Greece moved rapidly to adopt a new framework law on immigration control[6] as a result of public outcry over the influx of Albanians.

This article pays particular attention to migration from Albania into Greece. It focuses on the issue of regularization: first, by using a simple game-theoretic framework, it provides an explanation for the choices made by the Greek government and, second, it outlines current efforts made towards the regularization of undocumented migrants in Greece. The character of Albanian migration into Greece reflects the changing global nature of international migration and the way in which migrants in Southern Europe are embedded in the specific model of South European post-industrial society (King, 1997: 1).

THEORETICAL FRAMEWORK

International migration has fallen under two schools of thought: classical migration theory and labour market theory. The former defined a migration model based on push-pull factors. Migrants were pushed out by economic hardship, low wages, population increase, political instability and unrest etc., and pulled by prospects for employment and higher earnings in destination countries. The balance of these interests is affected by a number of intervening variables (Ravenstein, 1985) or obstacles (Lee, 1969). Albanian migration to Greece can, to some extent, be explained in terms of the "push-pull" model which presupposes that an individual makes a rational choice on the basis of evidence available.[7] However, this model does not take into account that "individual choices" are often constrained by the individual's location in a particular historical and social framework within which the choices are to be made and "which gives its particular meanings to the results of these choices" (Jackson, 1986: 14). For example, Albanian migration into Greece does not take into account old ethnic and territorial disputes which have been a source of conflict between the two countries since the Balkan Wars. The theory focuses on the notion of differences between places (mainly the individual's living standards), stresses the role of human agency but does not take account of migration policies, administration rules and implementation of laws which partly determine the migratory decision.

Marxist (labour market) theory maintains that migration has to be examined within the context of the international capitalist system (Castles and Kosack, 1973); that diverse migrant groups share, among other things a subordinate position in the labour market. They are the most disadvantaged group within the working class, a reserve army of labour that is pulled in during periods of economic boom and fired during periods of economic slump. Nikolinakos (1973) stresses the need for "replacement labour force" to fill gaps left by mass emigration. Such analyses, caught within a structural straight-jacket, leave little room for human agency.

Giddens' (1984) structuration theory is an attempt to move away from the structure-agency dichotomy and view what people do as presupposing some kind of structure which is both constraining to the individual and enabling, and that people simultaneously create the structure anew. Structure and action are therefore intimately related; migratory flows from East to Southern Europe are not just a response to economic hardship but represent recognition on the part of migrants that their departure provides the best opportunity for escaping a repressive environment (Phizacklea, 1997). In other words, external constraints do not operate independently of people; however, as Layder (1997) argues, they have properties which are not reducible to people and the reasons and motives that they give for their actions (Layder, 1997). In other words, some structural features of society are beyond the individual's control. This analytical

framework was adopted by Phizacklea (1997) in her study of migrant women in the sex and maids industry. It is within this analytical context that we explore the supply and demand of Albanian migrants in the Greek labour market, acknowledging that their choices are restricted by the actions of the state.

ALBANIANS IN GREECE: THE BACKGROUND

During the 1980s Greece changed from being a country with net outflows of labour in the three post Second World War decades to becoming a net importer of migrant labour from Asian and North African countries as well as from the Middle East, Eastern Europe and member states of the European Union. Since the collapse of the ideological-political and economic model of centralized economies, the inflow of illegal migrants to Greece from East-Central Europe and the republics of the ex-USSR has increased significantly. Some new migrants of Greek descent are not considered illegal as, irrespective of whether they entered the country illegally, they can be naturalized and obtain work and residence permits. The bulk of illegal migrants are of non-Greek origin. The Ministry of Public Security indicated that in 1992 there were around 500,000 foreigners in Greece, 280,000 of whom were illegal (Chletsos and Karasawoglou, 1997: 3). Others have estimated the number of illegal migrants to be around 590,000 (Kontis, 1996; Linardos-Rylmon, 1995), or about 5 per cent of the total population of Greece, 12.5 per cent of its active population and 15 per cent of its labour force (Chletsos and Karasawoglou, 1997: 3). While about half the latter are estimated to be Albanians, the actual number of Albanians in Greece today is simply unknown (Lazaridis, 1996).

According to a press release by the Ministry of Public Security (21 July 1994), "during 1993 220,655 Albanian citizens, who had illegally entered the country, were located and turned back into Albania". This figure does not include the number of Albanians in Greece due to their illegal status and relatively high degree of spatial mobility. However, such figures may include persons counted more than once since many leave the country and return back immediately.

Trafficking of Albanians has become a big business for many smugglers. Trafficking organizations charge up to US$4,000 per person. Traffickers range from young criminals trying to earn easy money, to larger organizations known in Greece as the Albanian Mafia. Although trafficking from Albania to Greece is unresearched, preliminary unstructured interviews with Albanian migrants conducted during the summer of 1996 suggest that in the case of the Albanian Mafia, trafficking does not end with the transport of migrants to a destination country. Complicated networks are involved in the forging of travel and other documents and/or providing assistance to the migrant to get inserted into the Greek informal economy. These networks may also be parallelled with trafficking in drugs, guns, money-laundering, exploitation of young girls, bribery or

collaboration with the host country's borders patrol squads, immigration officials and so on. The larger the organization, the more complicated are the roles of the trafficker. While newspaper headlines occasionlly report mini-battles between local authorities and the smugglers, which now and then claim victims, it appears that the Greek police has been actively involved in the trafficking of migrants and forced prostitution rackets (*Athens News*, 1 March 1998; 23 October 1998; 21 October 1998). Indeed, eleven police officers were charged on counts ranging from breach of duty to extortion, among them the former Athens police chief and his deputy, which led to the resignation of the Minister of Public Order on 29 October. On 20 November, another policeman was arrested for selling forged documents to undocumented migrants (*Athens News*, 21 November 1998).

Albanians soon realize that the only work available is in labour intensive sectors and in the informal sector. Lazaridis and Romaniszyn (1998) show that Albanians occupy different niches in the secondary labour market; they are employed in agriculture, construction, small-scale family run industry and services (in hotels, restaurants), and earn between $6 and $30 per day, depending on type of work, season and setting (*Migration News*, 1997). There is a job segregation by sex in that women are employed mainly in domestic work, but also as seamstresses or waitresses. Whereas for Filipino women (Lazaridis, 1999) there are immigration rules which allow them to enter the country legally, for Albanians there are none. Nor is there a standard contract stipulating minimum wage and hours worked. Lazaridis and Romaniszyn (1998) argue that they are an "undocumented underclass", with non-existent rights, and Lianos et al. (1995) argue that illegal migrants have contributed to the expansion of the informal sector and the contraction of the formal. The increase in numbers of illegal migrants has also "coincided with a general slowdown in economic activity in Greece, and an increase in unemployment, which has slowly increased to over 10 per cent for the last six years, with no sign of decline" (Sarris and Zografakis, 1999). Fakiolas (1997: 9) concludes that "undocumented immigrant labour costs the employer around half of the locals for work of the same productivity". They are an indispensable source of labour in that they substitute Greek workers in the low-skilled or unskilled, unhealthy, seasonal jobs in the secondary labour market (Lazaridis, 1996) characterized by flexibility (both in terms of hours worked and in terms of functions performed), low wages and the absence of social security contributions which, in industries such as manufacturing, amount to around 40.5 per cent, and in unhealthy and dangerous jobs to around 51 per cent of the nominal wage and are equally shared between employer and employee (Fakiolas, 1997: 8). In a study carried out in the north of Greece the real cost of their labour to Greek employers estimated to be 40 per cent below that of locals (Lianos et al., 1995), and according to Fakiolas (1997: 9) there are no indications that they deprive locals of jobs they want to take.

Initially, public was indifferent, but later on, a rise in petty crime and violent attacks allegedly caused by Albanians, led to fears and extreme attitudes against them. Opinion polls conducted by the Athens Labour Centre in 1995 indicated not only that Greeks held the view that there are too many foreigners in Greece, but that such fears were directed especially towards Muslims, Albanians and Turks. The mass media have exaggerated the unlawful activities of foreigners, especially Albanian migrants; on 17 January 1996 *Kathimerini* reported that 60 per cent of all crimes committed in the Greater Athens area in 1995 were by foreigners, mostly Albanians. Lazaridis and Wickens (1999) show that the way Albanians are represented by the Greek press has created the "dangerous Albanians" stereotype, which has contributed to their exclusion from most spheres (economic, social, spatial) of Greek life (Lazaridis and Psimmenos, 1999). Some ministries are not in favour of tolerating illegal migrants. In the eyes of the state they are undesirable aliens and deportation is the likely result while employers are likely to go free and potentially use, abuse and blackmail the illegals. The Ministry of Public Order estimates that since 1991 there have been 1.25 million deportations and expulsions of Albanians, representing more than 35 per cent of the Albanian population (*Athens News*, 4 September 1997). A proportion of these persons has re-entered the country. While immigration law (1975/1991) determines their status (see Lazaridis, 1996, for details), strict controls have not stopped the in-flow.

Unlike other Southern European states, Greece has been reluctant to introduce any regularization policy, although, as discussed below, it has recently proceeded in that direction. Italy and Spain have introduced regularization programmes in 1986; the first Spanish regularization was not successful with only 23,000 approvals. A second attempt in 1991 was more successful with 109,000 approvals (Bombin and Pedrero, 1993). Spain had one more regularization in 1996 which was restricted to previous permit-holders and their families; 40,000 approvals were made. Italy had four regularizations, the first in 1986 with 105,000 approvals, one in 1990 (216,000 approvals), another in 1996 when 93 per cent of the 256,000 applications were approved, and another in 1998 (an estimated of 200,000 approvals) (Reyneri, 1999). Portuguese regularization in 1992 attracted 39,000 applications, whereas the 1996 exercise had an approval rate of 90 per cent (Baganha, 1996). Until 1997, Greece was the only Southern European member state of the EU that had not introduced a regularization policy. It seems that the main reason for the delay was growing xenophobia (in particular Albanophobia) and embedded institutional racism (Lazaridis and Wickens, 1999).

In the following section we provide an explanation for the choices available to the Greek government. Whether or not to proceed with regularizing illegal migrants is a complex issue affected by a multitude of economic, political and social factors. The section is justified on the need to understand in a simplified setting the basic arguments underlying this choice.

A GAME-THEORETIC INTERPRETATION OF THE GOVERNMENT'S CHOICES REGARDING REGULARIZATION[8]

In this section we offer an explanation of the choice of regularization policy by the Greek government by using the methodology of game theory. We build a simple framework and will derive the conditions under which regularization is/is not an equilibrium (or in other words, a likely outcome). To simplify, we assume that there are two agents/players in the game: the (Greek) government or a government agency and a representative employer. Both the government and the employer have well specified objectives which they aim to achieve. In the case of the government its aim is to maximize a measure of social welfare while the employer aims to maximize (expected) profit. In general, social welfare is taken to represent a measure of the total well-being of the members of a given society; it comprises consumer and producer surplus. An alternative interpretation could take the view that the government is concerned with maximizing the Gross Domestic Product (GDP) of the Greek economy.[9] The situation is depicted in Figure 1 (page 737).

The government acts first and has two choices (strategies): to regularize or not regularize the illegal migrant worker. The representative employer has to choose between employing an illegal migrant worker or a legal (Greek or EU) worker. In this simple example the employer needs a labourer to carry out a production task which could be work in the agriculture sector, various services in the tourist business, providing personalized services such as care for children and the elderly, cleaning, catering etc. Furthermore, to simplify, we assume that the productivity of an illegal migrant is the same as the productivity of a legal worker.[10] Thus, in the case of regularization, the cost of employing an illegal migrant is the same as employing a legal worker, given that wages and contributions are set by the state during nation-wide negotiations. In the case of non-regularization, the cost of employing an illegal migrant worker is lower as the wage is much lower (the hours of work may be longer), and there are no contributions to be paid, *but* this is so only if the employer is not caught and fined.[11, 12] If caught, the employer has to pay a fine. The relevant payoffs to the employer are then as follows: in the case of regularization whether a migrant or not is employed the employer receives an amount L, in the case of non-regularization, when a legal worker is employed, the payoff to the employer is H, $H > L > 0$; however, when an illegal migrant is employed if the employer is not caught he/she obtains H, but if he/she is caught and thus has to pay a fine of z ($z > 0$) his/her payoff is $H - z$. Whether an employer is caught or not is a probabilistic event determined by Nature; this means that the employer is caught and fined with probability σ and not caught with probability $(1-\sigma)$, $0 \leq \sigma \leq 1$.[13] The node where Nature makes her choice is indicated by N, the node where the government chooses is marked by G (it is the initial node) and the employer's choice nodes are indicated by E_1 and E_2, depending on whether the government has chosen regularization or non-regularization (Figure 1).

With respect to payoff to the government, we note that in the case of regularization the government has to incur costs associated with drawing up the relevant bill which have to be taken into account by the relevant measure of social welfare. As noted below, the estimated cost of regularization for the Greek case is around 500 million drachmas. Suppose then that the government's payoff in this case is captured by B, $B > 0$. In the case of non-regularization, let the payoff to the government be A, $A > 0$. In this latter case, the payoff captures social welfare but it also contains the income from fines when employers are caught employing illegal migrants, in which case it becomes $A + z$. Also, *in this case* there are no costs associated with the drawing up of the bill. In both cases of regularization or non-regularization enforcement and border controls are already implicitly included in A and B. Regularization (or not) does not affect these costs at the border, which is quite long and through difficult terrain and also includes a long coastline and many islands. Whether the government (or society) enjoys a higher or lower payoff under non-regularization or regularization respectively *(A > (<) B)* depends on a number of factors, including the public's perception of illegal workers, external political pressures and relations, the humanitarian stance of the government and the economic impact of migrants on the host country. For this latter point, there is support from economic theory that the economic impact of migrants on the host country is rather positive (Borjas, 1995), but there is no consideration of the policy regime with respect to regularization. The empirical evidence is rather mixed,[14] although in their study of the economic impact of illegal immigrants on the Greek economy, Sarris and Zografakis (1999) show that this is positive in general but its distributional effects are negative for 37 per cent of the Greek population whereas all other households gain. However, this study does not consider the effects of a change in policy, namely from a setting where non-regularization is the government's policy with respect to illegal migrants, to a setting where a switch has taken place and regularization has been implemented (as was the case in late 1997). Given the lack of relevant and dependable data, it is premature to attempt an ordering of A versus B as this does not depend on economic conditions only but also on a multitude of other social and political factors which are difficult to measure. Also, regularization is still under study. As Baldwin-Edwards (1998) notes: "There appears to have been no development of criteria for assessment of the labour market situation; Greek statistics on the labour market are notoriously poor, so it is unclear how that assessment can be made". As an example of the relative ranking of A versus B we mention the presence of a strong migrant association,[15] which would lobby the government and other bodies in favour of regularization, such that in our model $A < B$.

In what follows we examine the equilibrium outcome(s) of this simple two-stage perfect information game in two different situations: (i) $A > B$ and (ii) $A < B$. The equilibrium concept we use is subgame perfection, i.e., we solve the game by backwards induction.[16]

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<div align="center">CASE (I), $A > B$</div>

Employer's subgames

(a) At E_1 the employer is indifferent in his/her choice of worker as the payoff received is L whether the worker employed is illegal or not.

(b) At E_2 we have to calculate the expected payoff to the employer from employing an illegal migrant given that Nature determines whether the employer is caught employing an illegal migrant worker or not. Expected payoff is given by $Ep(E) = (H - z) + (1 - s)H$. This has to be compared with the payoff from employing a legal worker, L. The employer will choose an illegal migrant if, and only if, $Ep(E) > L$, which is equivalent to

$$H - L \geq \sigma z \qquad\qquad (1)$$

and will choose a legal worker if the opposite is true, i.e., $H - L < \sigma z$. Note that the optimal choice of the employer depends on whether the net benefit from employing an illegal migrant $(H - L)$ exceeds the penalty payment, σz. This difference can depend on the efficiency of the enforcement agencies, the extent of corruption and the difference in wages between legal and illegal workers. Having established the optimal choice of the employer had he/she reached either E_1 or E_2, we can now examine the government's choice and obtain the solution to the whole game.

Government subgame

Given perfect information, the government can rationally predict what the employer will do at E_1 and E_2. Hence at G if the government chooses regularization it will obtain a payoff of B. If the government chooses non-regularization it will obtain an (expected) payoff of $\sigma(A + z) + (1 - \sigma)A$ if condition (1) holds, i.e., the employer chooses an illegal migrant, and will obtain a payoff of A if condition (1) does not hold, i.e., the employer opts for a legal worker. Suppose condition (1) holds. Then we know that the employer will opt for an illegal worker at E_2 while being indifferent as to whom he/she employs at E_1; to simplify let's assume that the employer will choose the illegal worker at E_1. It follows that the government has to compare its payoff from regularization B to its payoff from non-regularization $\sigma(A + z) + (1 - \sigma)A$. It will choose non-regularization if $\sigma(A + z) + (1 - \sigma)A \geq B$. Rearranging, we obtain $A + \sigma z \geq B$, or

$$(A - B) + \sigma z \geq 0 \qquad\qquad (2)$$

Given the assumption that $A > B$ it is evident that the government will choose not to regularize the illegal workers. Hence, we have identified one equilibrium for this simple game.

If condition (1) does not hold, the employer will choose a legal worker at E_2 and will be indifferent at E_1. It follows that the government will obtain B from regularization and A from non-regularization. Given the initial assumption that $A > B$, here too the optimal choice for the government is to not regularize the illegal migrant workers. Thus, we can say that the unique choice for the government in this case involves non regularization. For the employer the choice hinges on whether condition (1) holds or not. If it holds, it means, as noted above, that difference in the employer's payoff from employing an illegal migrant and employing a legal one exceeds the (expected) fine payment so that it pays the employer to take the risk and choose an illegal worker, whereas if the opposite is true the employer chooses a legal worker. Thus, we have identified two possible outcomes in this case and which outcome occurs depends on the relative sizes of the various payoffs and the size of the fine. However, in either case the rational choice for the government is to non regularize the illegal worker.

CASE (II), $A < B$

The employer's choices are not affected so that the solution to the employer's two subgames is exactly the same as in case (i). Thus, we only need to examine the government's subgame in order to provide the solution(s) to the whole game. In line with the above discussion, first suppose that condition (1) holds for the employer so that if he/she is at E_2 he/she will employ an illegal migrant and that at E_1 where the employer is indifferent as to whom he/she employs, we suppose that an illegal migrant is chosen. Therefore in deciding whether to regularize or not, the government has to compare the respective payoffs $\sigma(A + z) + (1 - \sigma)A$ and B. The government will regularize if $B \geq \sigma(A + z) + (1 - \sigma)A$, or $(B - A) \geq \sigma z$ and will not regularize if the opposite is true, i.e., $(B - A) < \sigma z$. Next, suppose that condition (1) does not hold so that the employer will choose a legal worker at E_2 and be indifferent at E_1; to conform with the above we suppose that an illegal migrant will be employed. The relevant comparison now is between A and B, so that regularization is always the outcome given that $B > A$.

It is evident that in case (ii) there is no unique equilibrium: both regularization or non-regularization can be the government's rational choice depending on whether the difference in government payoffs in the two policy regimes, $(B - A)$, is larger or smaller than the expected income from fines which, in turn, depend on the size of the fine, z. This applies to the case when condition (1) holds which can be interpreted as follows: the difference in the employer's payoff from employing an illegal migrant and employing a legal one exceeds the (expected) fine payment so that it pays the employer to take the risk and choose an illegal migrant. However, when condition (1) does not hold the outcome is regulariza-tion. Again there are a number of equilibria, namely three, depending on the size of the payoffs and the size of the fine. We summarize our analysis in Table 1 (page 738).

Given the ongoing implementation of the regularization programme, begun in late 1997, it seems that the likely outcome in terms of our simple theoretical framework is represented by the middle column in Table 1 where regularization is the rational choice of the government and therefore an employer is indifferent about whether to employ a local or a migrant (now legal). Although this has to be taken with great caution given the simplicity of the example used, it would thus seem that for the Greek case the impact of migrants on the economy and society is positive, $B > A$, and that the net benefit of implementing the regularization programme more than outweighs the expected revenue (to the government) from enforcing legality in employment and collecting the fines. Of course, this conjecture has to be put to test by vigorous empirical studies.

Thus, in the context of a simple and abstract example there are a number of possibilities (equilibria) which depend on the relative magnitudes of the payoffs to the employer and the government and the size of the fine. In essence, we have identified conditions necessary for either regularization or non-regularization to be the optimal policy for the government. Of course we do not claim that this result is a general one but we point to the issues that may shape the decision of the government to proceed with regularization. We provide a detailed overview of the current situation on regularization as it relates to Greece.[17]

THE ISSUE OF REGULARIZATION

At a time when EU guidelines stipulated the sealing-off of European borders for non-EU nationals, various attempts have been made in the last five years or so to put in place the provisions of the Schengen Agreement and try to control borders with special squads and by employing deportation procedures (Law 1975 of 1991). Only recently have attempts been made to regularize illegal migrants by offering them permits for seasonal work. This has been supported by Trade Unions which saw it as a positive step towards alleviation of downward pressure on wages.

In the early 1990s when political relations with Albania were sour, the Greek government issued 30,000 work permits and tried to negotiate support with the Albanian authorities for controlling the inflow; however, such an agreement was never reached as the latter argued that the number of permits was relatively small and for a very short period. An agreement was reached with Bulgaria in 1995 on seasonal employment of labour, granting them residence permits for up to three months. In 1996, an agreement on seasonal employment of labour (for granting permits valid for about 2 months after which the migrant had to leave the country) was signed with Albania and ratified by the Greek Parliament during August 1997 (Law 2482 of 1997). In addition, a 16-member Committee (comprising representatives of trade unions, self-employed farmers, professional

associations, academics and independent experts) was established in mid-1990s to investigate the possibilities of regularization of illegal migrants. In 1996-97 the government drafted two Presidential Decrees for the regularization of migrants and set the conditions under which residence and work permits would be issued for a fixed period.

The first Decree specifies procedures for the regularization, conditions under which a "white card" or "temporary resident card" could be issued or renewed. A migrant must appear in the Organization for the Employment of the Labour Force (OAED), provide his/her address as well as information on his/her education, previous employment, length of stay in Greece, nationality, country of origin, family situation; and also present identification documents, proof of application for social security stamp booklet, health certificate from a public hospital or social security organization (IKA), a criminal record certificate from the Greek Ministry of Justice, a certificate from the Ministry of Public Order stating that he/she is not an undesirable foreigner. He/she can then apply for and be issued with a temporary card valid for up to 3 years (which can be renewed for a further 2 years), and hence have same rights as Greeks in so far as social insurance, working conditions and remuneration are concerned. Employers have to treat newly legalized migrants on an equal basis to domestic labour as far as payroll taxes, social security, minimum wages and conditions of work are concerned. The deadline for applications was the end of May 1998 but this was extended until the end of July 1998.

 The second decree specified conditions and procedures under which a holder of a "temporary residence card" can obtain a "green card" or "a residence card valid for a longer period of time" (up to five years), renew it and ask for family reunion. The basic requirement is proof of employment for 40 days during the period 1 January to 31 July 1998; length of residence in Greece and duration of employment would also be taken into account. In order to obtain a green card for more than three years, proof of five years residence in Greece is required plus proof of generating an annual income of 800,000 drachmas (approximately $2,600) or more. The card can be renewed twice, each time for 2 years. Employers who declare the employment of illegal migrants will be acquitted for any debts towards insurance funds they should have paid. Restrictions with regard to the exercise of some professions and the mobility of illegal migrants can be imposed from the ministries of Defence and of Public Order, respectively. The enactment and implementation of these decrees was planned for August 1997. This was then postponed to September 1997 because of such controversial points as conditions of renewal of work cards and the right of inviting family members. Some feared that residence and work cards would imply additional rights such as family reunion, educational facilities, places of prayer for Muslims; others pointed to the fact that it would be very difficult to send migrants back home after their card expired and this would most probably mean that "immigrants would turn from objects of policy to political actors"

(Fakiolas, 1997: 14). Yet others objected to the regularization of Albanians for political reasons. According to Fakiolas (1997), reactions to the draft decrees on regularization differed among government ministries, ranging from a view favourable to regularization expressed by the Ministry of Agriculture due to acute seasonal labour shortages, and the General Confederation of Labour in Greece, and various employers' organizations which would thus escape sanctions, fines etc., tied with employment of illegal migrants, to a negative view by the External Affairs, Defence, Public Order Ministries which argue that giving residence and work cards to illegal migrants implies more rights in the long run, such as family reunions, difficulties in sending migrants back home once the permits have expired and so on.

The decrees were due to come into effect on 1st September 1997 but were temporarily held up when the government decided in June 1997 to exclude nationals of border countries from the new regulations concerning the issuing of temporary residence cards (serving also as work permits for 12 months) to non-EU nationals (*Athens News*, 4 September 1997; *Ta Nea,* 6 September 1997). The exclusion would have affected Albanians, but following protests from Tirana, unions and rights groups, as the government spokesman Dimitris Reppas announced in early September 1997, Albanians and nationals of other bordering countries would not be excluded as initially planned. The cards would be renewable. The decrees were finally presented to Greece's Council of State (supreme administrative court) for official approval on 7 September 1997 with the aim of shortly putting in place a new legal regime which will replace the Law 1975/1991 and grant illegal migrants the right to live and work in the country via renewable (valid for six months to three years) temporary residence cards which would be issued following registration with OAED (the Labour ministry's manpower institute). In November 1997 the two decrees were published in the Government Gazette (No 240/28.11.1997), following which the Minister of Labour announced that the decrees had been signed by the President of the Republic and hence the implementation was in force. White and green cards gave migrants equal rights to nationals in wages and working conditions, inter alia.

In the light of our simple game-theoretic example, we argue that starting from a position (equilibrium) where the government's policy is to non regularize illegal migrants, events and actions by different groups have taken place, such that the equilibrium has moved to where the government optimally chooses to regularize the illegal migrant. These events and actions (as described in the previous paragraphs) are such that the *critical* payoff relation changes from $A > B$ to $A < B$ and regularization is the outcome. Thus the simple example is capable of providing an explanation of the flow of events as far as choice of policy by the Greek government is concerned.

Until the end of August 1998, 373,192 persons had applied for a "white card" or "short duration card" and 66,266 for the "green card" or "long duration

card"; by November 1998 over 100,000 persons had applied for a "green card". From those who applied, only 38,000 were issued with a " white card" and 2,700 with a "green card".[18] While the procedure for issuing a "short duration card" takes one to two years, it is expected that many migrants will not be regularized because of lack of proper documentation (Fakiolas, 1999) as well as insufficient information filtering down to the migrants regarding the correct procedure for obtaining the necessary documents from various Greek institutions.[19] These difficulties may deter migrants from regularizing themselves. At the same time, Greek employers, in line with the EU's social charter, will be obliged to pay the regularized migrant a minimum wage and offer a full package of fringe benefits, plus, in the case of green cards, equal rights to Greeks regarding working conditions. This may mean a fall in demand for these workers, which may in turn mean that the only option available to them would be moonlighting.

A number of criticisms can be levied to these decrees, including insufficient motivation given to illegal migrants to regularize themselves by not assuring them that they will eventually obtain a long-term residence card. In addition, most illegal migrants were unable to fill in the required application forms themselves, some because they do not know Greek, others because they thought that the form they were given to sign was the actual card (Fakiolas, 1998a: 31). Others did not have one or more of the following necessary documents: a passport or an ID card or a certificate signed and stamped by the Greek consulate of the country of origin, a criminal record certificate from the Ministry of Justice stating any criminal convictions, a health certificate from a state hospital of IKA (Social Insurance Organization), a social security stamp booklet, an employment record, documentation showing that the migrant has been in the country before 28 November 1997. Upon submission of all these documents the applicants are issued with a Card of Provisional Duration valid until December 1998. Each case is examined carefully by a special committee for the issue of a " white card" (limited duration card), after which one can apply for a "green card" (up to five years duration) which will provide for equity with the Greeks and permission to invite dependent family members. As Fakiolas (1998a) notes, a regularization "business" has already begun. Numerous people, including civil servants and the police, try to profit from the regularization process by offering to "help" the illegal migrants at a certain price. The degree to which this legislation will be successful, and whether or not the resources and know-how required for its implementation will be available for fiscal expenditure control in Greece, remains to be seen.[20] Implementation of the two decrees is estimated to cost around 500 million drachmas. Meantime, a new alien's law is under preparation, which, if it succeeds in introducing a more flexible naturalization policy, will determine the extent to which more permanent settlement and social and political inclusion in the host country will be allowed. Thus, the moral costs of keeping a large number of persons illegal and hence subject to extreme forms of exploitation and threats of deportation will be dealt with. Migrants will be able to form national and religious pressure groups

which will demand social, civil and political rights and adjustments of the institutional framework. This, in turn, may influence social attitudes towards ethnic minority groups in the country.

CONCLUDING REMARKS

All Southern European countries have regularized illegal migrants with the exception of Greece, which only recently began to do so. By using a simple game-theoretic framework, we have provided explanation for the possible choices for government with respect to regularization. We have established that there are a number of possibilities (outcomes) which depend on the relative magnitudes of payoffs to employers and government.

In the case of Greece, it has to be noted that until now the government has chosen to deal with the influx of illegal migrants by using sporadic waves of administrative deportations and mass expulsions linked to external political events, such as placing pressure on Albanian authorities to grant more rights to Albanians of Greek origin/descent who live in the once Greek, now Albanian, territory called by the Greeks "Northern Epirus". Although the other three countries have required migrants to leave, (e.g., Italy requires them to leave within 15 days (MNS, 1995)), Greece's regime, especially with regard to Albanians, is particularly severe. Moreover, all four countries have been supportive of EU initiatives dealing with detection of illegal migrants. However, such measures "sit uneasily alongside the various southern European regularization initiatives, the institutionalized nature of illegal employment, and a generally poor record on enforcement of any legislation" (Baldwin-Edwards, 1996).

Regularization is currently an important issue in Greece and the government has recently passed a framework law which, if successfully enforced, will increase the cost of labour to Greek firms. Under these conditions, the only way in which illegal or newly legalized workers will be employed, is if they are willing to perform jobs considered by Greeks as undesirable. The regularization of migrants in general commands little support from employers of cheap labour, and according to Zincone (1999), encourages further illegal migration. If implemented properly, the measures adopted could diminish excesses of overt discrimination against Albanians and other undocumented migrants. If regularization in Greece is fully implemented in the years to come, the regularization rate may be low (around half the estimated illegal migrants) because migrants are given only a temporary status (resident permit for a limited period of time). In addition, it remains to be seen whether migrants would have faith in the system, i.e., to follow the required procedures, and whether these procedures would be followed properly and without discrimination. Moreover, absence of political debate has not helped ease continued foot-dragging in

dealing with an issue so critical for Greece. This has contributed to Greece being seen as unofficially encouraging illegal migration so as to keep wages down and boost economic growth with the aim of achieving EMU criteria (*Athens News*, 8 September 1997).

Although the informal economy is a major structural feature of all southern European countries, Greece has the highest proportion relative to GDP – 29.4 per cent compared with Italy 17.4 per cent, Portugal 15.6 per cent and Spain 11.1 per cent (Williams and Winderbank, 1993). Thus while the employment opportunities for Albanian undocumented workers are substantial, access to the formal economy is limited. The structure of the local labour market shapes migrants' choices but does not entirely determine them. Their actions, via their associations, may help transform the labour market over a period or persuade the government to proceed towards a more relaxed immigration policy with a more generous allocation of work permits and rate of naturalization.

The only secure means of full incorporation into the society and polity is naturalization. Spain, Italy and Greece are heavily dependent on "ius sanguinis" (nationality by descent), whereas Portugal's tradition resembles the British "ius soli" (citizenship by birthplace). The conditions set demand for linguistic ability, length of residence and civic incorporation. The naturalization rates in thousands vary from 0.1 in Portugal to 0.5 in Italy and Greece, to 1.8 in Spain (Baldwin-Edwards, 1996: 12). According to Fakiolas (1998b), the naturalization policy favours ethnic Greeks and discourages other foreigners; "in 1985-1995, 16,842 naturalizations were granted, of which 12,737 to ethnic Greeks". Naturalization requirements have been gradually made even stricter. Foreigners can apply for naturalization after 10 years of legal residence and, according to Fakiolas (1998b), have to wait even longer before their applications are evaluated. The residence requirement for spouses of nationals has increased as has the residence period (from 5 to 10 years in Italy, from 8 to 10 years in Greece). In other words, the incorporation of migrants into these societies has become even more difficult. Albanians in Greece are "margizens" in that they have almost no rights at all. They could become legal temporary residents or workers via regularization, but they remain severely marginalized and suffer mechanisms of exclusion from the cultural and political milieu.

NOTES

1. The authors would like to thank the Editor and anonymous referees for their helpful suggestions. The usual disclaimer applies.
2. Greece, for example, has a sea area of about 136,000 square kilometres and a coastline of 14,000 kilometres.

3. As King and Konjhodzic (1995: 44) noted, "Southern European governments were locked into the mind-set of emigration countries – with no statistical categories for immigrants, only emigrants and returnees. Even SOPEMI and OECD's monitoring unit on migration, continued to refer to Italy, Spain, Portugal and Greece as emigration countries until 1990".

4. From these, the number of legally present migrants is 1.6 million (Eurostat, cited in King and Konjhodzic, 1995: 47).

5. The Schengen Agreement was signed by Belgium, France, Luxembourg, Netherlands and West Germany in 1990. Italy joined in 1990, Portugal and Spain in 1991 and Greece in 1992.

6. As stated elsewhere (Lazaridis, 1996; Lazaridis and Romaniszyn, 1998), Law 1975 of 1991 was, as the Minister of Interior in 1992 stated, "adopted in a panic situation" in response to the "Albanian crisis" (CEC, 1993). The most notable response to the influx of Albanians and other undocumented migrants has been increased policing of border areas particularly with Albania and Turkey, and expulsions from the Greek territory (as opposed to deportations, that is removal from Greek territory after due legal processes), a procedure authorized in 1991 law. This ad hoc approach was reflected in the serious shortcomings of this law. It was condemned by opposition parties for being driven by a policing philosophy and xenophobic attitudes, taking no account of undocumented migrants already in the country.

7. For an analysis from an economist's point of view see Djajic (1999).

8. For an introduction to the concepts and uses of game theory see Dixit and Nalebuff (1991), Gibbons (1992) and Kreps (1990).

9. For example, see Levine (1999).

10. This assumption is made commonly in economic treatments of the subject of illegal migration, for example, Ethier (1986).

11. Support for this assumption is forthcoming from both the theoretical literature, for example, Epstein et al. (1999) and empirical work, for example, Lazaridis (1999), Lazaridis and Romaniszyn (1998) and Sarris and Zografakis (1999).

12. Note that the wage the illegal migrant is paid can depend on the penalty for being caught (for details see Djajic, 1999). However, introducing this aspect would not add further insight to the issues we explore.

13. The probability of being caught is assumed constant. This probability of detection could be made an endogenous variable (as opposed to being exogenous) affected by enforcement measures and costs and the behaviour of the employer. However, adding this level of detail would make the analysis more complex and would not give any significant value added. In addition, note that we are not concerning ourselves with the choices made by a migrant worker as to whether to obtain legal or illegal employment, as this aspect lies outside the scope of the present article. Djajic (1999) examines this type of question in relation to the employment choices of illegal workers in the case of the US – Mexican border.

14. See Friedberg and Hunt (1995) for a review.

15. Unlike other migrant associations in Greece (e.g., KASAPI, i.e., the Filipino migrant association in Athens which is very active), the Albanian associations are non-existent in terms of lobbying power. This is because Albanians are generally reluctant to group together and form pressure groups.

16. See note 7, above.

17. Note that we have treated the size of the fine as exogenous; making it an endogenous choice by the government would complicate the analysis. Also we have treated the

payoffs as given: a more complete analysis would incorporate the determination of these payoffs but this would be at the expense of simplicity and would necessitate the use of specific functional forms which would make the analysis very elaborate. We leave these two extensions aside for future research.

18. OAED, interview with Mrs Bouloubasi.
19. Interviews with migrants, September 1998.
20. A preliminary assessment of the data available suggests that its success is limited with regard to some migrant communities including Poles, Filipinos and Nigerians, who had minimal involvement with the programme. However, it has benefited the Albanians in that more than half of those who applied for a white card came from Albania (data obtained from the Greek Manpower Organization (OAED)). The overrepresentation of Albanians vis-à-vis other groups can be explained in terms of eagerness to protect themselves from deportation outweighing fears of them being priced out of the labour market. For others it may have been economically beneficial to continue taking risks of being punished or may reflect, among other things, a preference to stay hidden and undocumented due to distrust on the part of the migrants of the government and/or the Greek bureaucracy.

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FIGURE 1

EXTENSIVE FORM REPRESENTATION
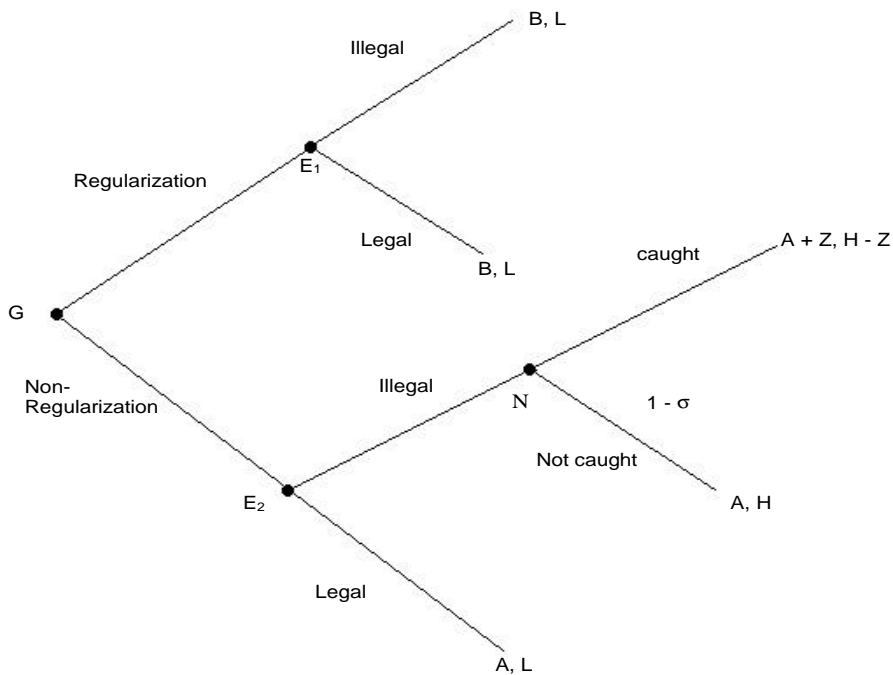
Note: For interpretation see text.

TABLE 1

EQUILIBRIUM OUTCOMES

	$A > B$	$A < B$ *and* $(B - A) \geqslant oz$	$A < B$ and $(B - A) < oz$
$H - L \geqslant oz$	Government: Non-regularization	Government: Regularization	Government: Non-regularization
	Employment: Illegal worker	Employment: Either worker	Employment: Illegal worker
$H - L < oz$	Government: Non-regularization	Government: Regularization	Government: Regularization
	Employment: Legal worker	Employment: Either worker	Employment: Either worker

LES MIGRANTS SANS PAPIERS EN GRÈCE: PROBLÈMES DE RÉGULARISATION

Cet article étudie les migrations de l'Albanie vers la Grèce et examine de façon schématique l'intégration socio-économique et/ou l'exclusion des Albanais.

Du point de vue de la régularisation, il donne d'abord une explication des choix faits par un gouvernement en utilisant un cadre ludico-théorique simple; ensuite il décrit les efforts actuellement déployés dans le sens de la régularisation des migrants sans papiers en Grèce.

L'exemple ludico-théorique fait apparaître que, dans certaines circonstances, la politique optimale d'un gouvernement est de ne *pas* légaliser un immigrant illégal, alors que dans des circonstances différentes, la politique optimale serait de le régulariser. Ces circonstances tiennent à des facteurs tels que l'ampleur relative des rendements publics, lesquels dépendent à leur tour de l'opinion publique, des manœuvres de couloirs, de la présence d'associations de migrants, etc.

L'article passe en revue le cas de la Grèce, où initialement, les travailleurs migrants n'étaient pas régularisés, tandis qu'à présent, le pays s'est doté d'un nouveau cadre juridique prévoyant leur régularisation.

Le caractère de l'immigration albanaise en Grèce reflète deux choses: le caractère globalement évolutif de la migration internationale et la façon dont les migrants en Europe méridionale sont imprégnés du modèle spécifique de la société postindustrielle de l'Europe méridionale.

MIGRANTES INDOCUMENTADOS EN GRECIA: CUESTIONES DE REGULARIZACIÓN

Este artículo estudia la migración desde Albania hacia Grecia y examina esquemáticamente la integración o exclusión socioeconómica de los albaneses.

También explora la cuestión de la regularización: primero, ofreciendo una explicación sobre las opciones del gobierno al utilizar un marco simple de un juego teórico y, segundo, al esbozar los actuales esfuerzos que se realizan para la regularización de migrantes indocumentados en Grecia.

El ejemplo del juego teórico demuestra que, bajo ciertas condiciones, la política óptima para el gobierno es *no* legalizar a un inmigrante ilegal, mientras que en condiciones diferentes la política óptima es regularizarlo. Estas condiciones dependen de factores tales como la magnitud relativa de los resultados del gobierno que, a su vez, dependen de la opinión pública, de

las presiones que se ejercen, de la presencia de asociaciones de migrantes y otros entes similares.

Luego, el artículo examina el caso de Grecia, donde inicialmente no se regularizaba a los trabajadores migrantes mientras que actualmente existe un nuevo marco jurídico para su regularización.

La migración albanesa a Grecia presenta dos características: la naturaleza global cambiante de la migración internacional y la manera en que los migrantes en Europa meridional se encasillan en el modelo específico de una sociedad de Europa meridional posindustrial.