

*Filippos Kourakis**

FROM “CRIMMIGRATION” TO “ENEMY UNDER-CRIMINALIZATION”: THE GREEK CASE OF IMMIGRATION CONTROL

ABSTRACT

This essay examines the Greek immigration control system, starting with a brief overview of crimmigration and enemy penology literature. It combines insights from these concepts to introduce the theory of “enemy under-criminalization” which emphasizes the inimical treatment of irregular immigrants without offering them the safeguards of criminal law. The study then identifies key pillars utilized by the Greek state in controlling human mobility at the border. These include immigration detention, pushbacks, and the criminalization of solidarity with immigrants. The essay examines how these mechanisms lack the protections of criminal law, directly treating irregular immigrants as enemies. It concludes by noting the challenges to democracy and the rule of law posed by these practices.

Keywords: *enemy under-criminalization, crimmigration, enemy penology, immigration detention, pushbacks, criminalization of solidarity, border criminology*

*PhD Student in Criminology, Panteion University. Judge, Corfu Court of First Instance, e-mail: fkourakis@gmail.com.

ΑΠΟ ΤΟ «CRIMMIGRATION» ΣΤΗΝ «ΕΧΘΡΙΚΗ
ΥΠΟ-ΕΓΚΛΗΜΑΤΟΠΟΙΗΣΗ»: Η ΕΛΛΗΝΙΚΗ
ΠΕΡΙΠΤΩΣΗ ΜΕΤΑΝΑΣΤΕΥΤΙΚΟΥ ΕΛΕΓΧΟΥ

ΠΕΡΙΛΗΨΗ

Η μελέτη εξετάζει το ελληνικό σύστημα ελέγχου της μετανάστευσης, ξεκινώντας με μια επισκόπηση της βιβλιογραφίας για το crimmigration και την ποινολογία του εχθρού. Συνδυάζει ιδέες από αυτές τις έννοιες για να παρουσιάσει τη θεωρία της «εχθρικής υπο-εγκληματοποίησης», η οποία δίνει έμφαση στη μεταχείριση των παράτυπων μεταναστών ως εχθρών του κράτους, χωρίς να τους προσφέρονται οι προστατευτικές εγγυήσεις του ποινικού δικαίου. Στη συνέχεια, η μελέτη προσδιορίζει τους βασικούς πυλώνες που χρησιμοποιεί το ελληνικό κράτος για τον έλεγχο της ανθρωπίνης κινητικότητας στα σύνορα. Αυτοί περιλαμβάνουν τη διοικητική κράτηση μεταναστών, τις παράνομες επαναπροωθήσεις και την εγκληματοποίηση της αλληλεγγύης προς τους μετανάστες. Η μελέτη εξετάζει τον τρόπο με τον οποίο οι μηχανισμοί αυτοί στερούνται την προστασία του ποινικού δικαίου, αντιμετωπίζοντας τους παράτυπους μετανάστες ως εχθρούς. Καταλήγει σημειώνοντας τις προκλήσεις για τη δημοκρατία και το κράτος δικαίου που θέτουν αυτές οι πρακτικές.

Λέξεις κλειδιά: εχθρική υπο-εγκληματοποίηση, crimmigration, ποινολογία του εχθρού, διοικητική κράτηση μεταναστών, παράνομες επαναπροωθήσεις, εγκληματοποίηση της αλληλεγγύης, εγκληματολογία των συνόρων

* Υποψήφιος Διδάκτορας Εγκληματολογίας, Πάντειο Πανεπιστήμιο. Πρωτοδίκης Κέρκυρας, e-mail: fkourakis@gmail.com

INTRODUCTION

Controlling immigration through means and practices akin to those of criminal law—such as detention centres, policing, and militarization—has arguably become the paradigmatic model for the governance of migration in the modern era (Rubins, 2023, p. 1). In this context, the concept of crimmigration emerged to describe the intertwining web of institutionalized policies and practices that exacerbate the criminalization and exclusion of immigrants and refugees, merging immigration and criminal law in immigration control.

While crimmigration scholarship has advanced in uncovering the punitive ramifications of immigration law measures, it is essential to meticulously scrutinize the function of these measures in diverse national settings. This scrutiny should encompass an analysis of the violence inherent in immigration measures, the objectives guiding their implementation, and the theoretical similarities they share with other punishment frameworks.

Set against this backdrop, this essay seeks to explore the function and rationale of the Greek immigration control system. The purpose of the paper is to address an understudied aspect in crimmigration scholarship, specifically examining how treating irregular immigrants as criminals, or perhaps more accurately, enemies of the state enables the state to create a distinct third (quasi)-legal realm. This realm is neither purely immigration nor criminal law, engaging in practices associated with criminal law without concurrent safeguards.

The essay commences by presenting the main points of the crimmigration and enemy penology literature. It then describes immigration controls in Greece, tracing recent developments and the construction of the “illegal immigrant” in national identity formation. It then identifies the main pillars that the Greek state employs in its course of controlling human mobility at the border. These include immigration detention, pushbacks, and the criminalization of solidarity.

By examining the inherently exclusive nature of these mechanisms, the essay analyzes how these practices reproduce the archetype of the criminal immigrant, however without offering the protections of criminal law. This observation provides the basis for the hybrid theory of enemy under-criminalization, which combines insights both by crimmigration and enemy penology. The essay concludes by discussing the wider implications for democracy arising from these practices, raising concerns about the erosion of democracy itself.

CRIMMIGRATION

Juliet Stumpf coined the term “crimmigration” (2006) to capture the convergence of immigration and criminal justice systems in the United States context. In recent years, Europe has shown a growing academic focus on crimmigration (e.g. Van der Woude & van der Leun, 2017). However, there is no consensus on the outcome of this legal fusion, as scholars present different frameworks and analyses of crimmigration measures and policies. Initially, the literature concentrated on documenting the evolving relationship between immigration and criminal law, rather than delving into the theoretical underpinnings of this phenomenon. (Spalding, 2022, p. 14). However, some legal and penal policy changes are widely mentioned.

According to Brandariz (2022), crimmigration has led to treating past immigration law violations as criminal offences. Moreover, immigration enforcement actions, like deportations, are now integrated into the sentencing protocols of criminal cases involving non-citizens. This merging of crime and border controls has led to shared enforcement tools and agencies. Consequently, practices resembling criminal law, such as immigration detention, are now part of immigration enforcement, and the procedural aspects of enforcing immigration law closely mirror criminal processes (Stumpf, 2006, p. 381).

However, the unquestioned use of “crimmigration” and the assumption that the merging of immigration and crime control is a complete fusion have led scholars to warn against the oversimplification of categorizing immigrants as purely criminal subjects, stressing the need to define immigrant criminalization as an existing practice (Abrego et al., 2017, p. 696).

Crimmigration and “under-criminalization”

Spalding (2022) has argued that interpreting immigration control in Europe solely through “crimmigration” is imprecise. This conception places a one-sided emphasis on the repressive function of criminal law while ignoring its simultaneous mission of guaranteeing immigrants analogous fundamental protections to those enjoyed by criminal defendants. This narrow interpretation overlooks the phenomenon of “under-criminalization”, where the essential safeguards of criminal law are not equally applied to immigration law, resulting in an “asymmetry of the criminalization phenomenon” (Spalding, 2022:5). This occurs mainly by circumventing

the fundamental principles of criminal law, such as proportionality, last resort, and harm, subjecting immigrants to what Hernández (2007, p. 60) calls “undue process”, referring to “the suspension, curtailment, and differential legal protections to which certain immigrants are subjected”. This concept of differential legal treatment to certain groups of people provides a link to the theory of enemy penology.

ENEMY PENOLOGY

Gunther Jakobs coined the concept of “criminal law for enemies” or, according to Krassman (2007), “enemy penology”, in 1985. He argued that individuals like habitual criminals or international terrorists, seen as irredeemable due to their consistent lawbreaking, have relinquished their status as citizens (*ibid*, p. 301). Jakobs viewed them as enemies of the state, unworthy of the usual citizen rights. He believed they posed such a grave threat that they shouldn’t be subject to standard criminal laws but should be confronted, excluded, and in extreme cases, eliminated (*ibid*, p. 302).

Jakobs aims to establish “legal regulation of exclusion” for enemies and respond to “dangerous individuals” with appropriate physical measures based on their threat level (*ibid*, p. 303). Since Krasmann’s article, the concept of enemy penology has evolved from Jakobs’ criminal law theories to encompass various authoritarian penal practices (Brandariz, 2023, p. 19). Golder and Michaelsen (2014, p. 276) contend that enemy penology is reminiscent of the implementation of measures embedded in the “war-on-something” narrative.

Krasmann (2007, p. 304) notes that committing to such exclusionary practices, results in the emergence of a “quasi-legal space”, triggering a notable shift in democracy. In the Greek context, this transformation manifests as an unjust parallel system, blending legal aspects (like administrative detention and criminalizing solidarity) with illegal components (such as pushbacks), impacting those classified as “enemies”. Krasmann describes this as a subtle process, where punitive state actions masquerade as preventative measures. Within Jakobs’ preventive framework, individuals are penalized based on their identity, not actions, with specific groups targeted through laws and enforcement strategies.

Even though enemy penology does not explicitly refer to foreign-born enemies, it has been recently applied (e.g. Weber and Powell, 2020) to national immigration control measures, as “a cultural ‘other’, the immigrant [...] who does not share the same myth of common origin, is constructed as

an alien and consequently as a potential ‘enemy’ who threatens ‘our’ national and cultural integrity and uniqueness” (Yuval – Davis 2004, p. 220).

IMMIGRATION CONTROL AND CREATION OF THE ‘OTHER’: RECENT DEVELOPMENTS

In the case of Greece, the creation of the ‘illegal immigrant’ was achieved through a process of “othering” which began in the late 1980s and flourished in the 1990s and 2000s. Since the early 1990s, the domestic political debate on migration has been articulated around three main pillars: internal security, cultural identity and social welfare (Koutsouraki, 2017). Martin Baldwin-Edwards (2004, p. 51) characterizes the collective feeling of insecurity cultivated in Greece in the 1990s as “fear of Albanians”.

During this period, when Greece had become a destination country for immigrants, a form of “defensive nationalism” developed in the country, with politicians, regardless of their partisan background, focusing on defending the nation from perceived external “enemies”, who were associated, in the collective consciousness, with extensive and violent criminality (Karydis, 1996, p. 131).

Politicians presented the 1991 migration law as crucial in safeguarding national interests against the “problem” of escalating immigration and the perceived threat to public safety (Karyotis & Patrikios, 2010). The Introductory Report of the Law highlights this concern, stating, “suddenly, the Greek territory began to be flooded by foreigners, who, entering, staying, and working illegally, create significant social problems for the state, while inevitably attempting to solve their issues by engaging in various crimes such as drugs, robberies, thefts, etc”.

Until the early 2000s, a period characterized as “Albanophobia”, the role of political discourse in associating the concepts of “foreigner” and “dangerous criminal” (Karydis, 1996, p. 135) contributed to the construction of the image of the “illegal immigrant”. This image was further reinforced and strengthened by the detention and deportation practices implemented by the Greek authorities. As De Genova and Roy state, the role of suspicion and hostility towards the “illegal” immigrant delegitimizes its claimants in such a subtle way, that “the susceptibility to deportation—deportability—is indeed a key dimension of migrant illegality” (2020, p. 3).

The narrative characterized by internal securitization and suspicion towards foreigners seems to be reinforced by the economic crisis that has been affecting Greece since 2009: immigration is presented as a threat

to the well-being of Greek citizens in a Greece of austerity (Fili, 2018, p. 163). During his 2012 election campaign, Antonis Samaras advocated for the repeal of Law 3838/2010 on citizenship, which facilitated the legalization of foreigners residing illegally in Greece. He argued that the law had transformed Greece into a destination for illegal immigrants, stating that “illegal immigration is a growing problem, and we pretend not to see it... Our cities have been overrun by illegal immigrants, and we will reclaim them” (Kalantzi, 2017, p. 165). The former PM’s statement is emblematic of the fact that the notion of migrant “illegality” is not only generated as a consequence of the law but is also perpetuated as a result of a discursive framework (De Genova, 2002, p. 431).

In this manner, the political discourse cultivates an existential fear, which is both fuelled and sustained by various “self-evident truths” (e.g., “if foreigners continue to enter Greece, we will lose our national identity”), functioning dichotomously to separate “us” from the Other and presenting this division as the solution for ensuring safety. This dichotomous perception, grounded in notions of origin, reinforces the normative divide between foreigner and native, perpetuating the established juxtaposition between citizen and noncitizen. Consequently, social myths such as the criminality of immigrants, despite being debunked numerous times (Karydis, 2016, pp. 1635, 1642), persist and propagate through legal discourse. The underlying notion is that the criminal belongs to the realm of the Other, not to our own.

The Greek Minister of National Defence stated in 2019 that “the situation on the islands is dramatic. We are looking at the refugee and migrant inflows in the light of the potential threats to the security of the country¹”. The rhetoric surrounding the “security risks” associated with uncontrolled immigration and the “illegal immigrant” aligns with the concepts of crimmigration and enemy penology. Central to these concepts is a narrative centred on security concerning migrants (as individuals) and immigration (as a phenomenon). Its core premise involves the vilification of migrants and the shaping of public discourse to portray immigration as a threat to the social and national cohesion of a state. In this context, characterised by a widespread concern about the impact of escalating migration, Greece has reacted by using various practices - formal and informal - to address immigration flows.

1. <https://www.ethnos.gr/Politics/article/62977/nikospanagiotopoylosdenapokleietainaerthoyinthnelladatxiantistesvid>.

IMMIGRATION DETENTION

In Greece, detention has been the main policy for managing irregular arrivals, for several years (Bosworth & Fili, 2015). The measure of administrative detention is applied either during the examination stage of international protection applications or in cases where such applications are not submitted or are rejected, aiming at returning irregular migrants to their country of origin.

As early as the 2000s, the police systematically detained undocumented migrants, expansively interpreting “public order risk” to justify their detention (Koutsouraki, 2017, p. 100). In 2014, the Greek Legal Council issued a highly criticized opinion supporting the policy of indefinite detention of irregular immigrants in police cells, arguing that release would inevitably lead to a rapid increase in the population of irregular migrants within the country, with adverse consequences for public order and security, given that these migrants lack resources to sustain themselves (Triandafyllidou et al., 2014, p. 3).

Since the New Democracy government came into power in 2019, the law on the detention of migrants has been amended, curtailing the scope of rights for the detainees (Angeli & Anagnostou, 2022, p. 111). Before the latest legislative reform, detention could only be ordered as an exceptional measure when less coercive alternatives were not available. However, the recent legislative amendment has reversed this provision, allowing the *prima facie* imposition of detention, unless the requirements for less coercive alternatives are met (*ibid*, p. 105). As a result, detention has become a standard response to any foreigner irregularly entering Greece, severely hindering immigrants’ potential efforts to be included in the community.

Additionally, the legal reasons for imposing detention have been expanded, as well as the duration of detention, which can now last up to 36 months. Also, the automatic judicial review of initial detention decisions has been abolished, at a time when judicial scrutiny of detention orders has become of paramount importance, given the frequent and often unlawful use of administrative detention (Mouzourakis, 2019). It should be taken into account that the maximum duration of pre-trial detention, which is imposed solely on preventive grounds in cases of justified suspicions regarding serious felonies such as murder and rape, under the Greek Criminal Code (Art. 287), is 18 months. It is thus becoming apparent that irregular immigrants are being treated similarly to individuals suspected of serious crimes, albeit within an even more securitized and risk-based paradigm.

Furthermore, within the previous legal framework, the Greek Police seldom explored alternative options when issuing detention orders (Angeli & Anagnostou, 2022, p. 106). In addition, court decisions issued in appeal of detention orders frequently overlooked the use of alternative detention measures (*ibid*). This observation underscores the normalization of detention as the primary approach for addressing unauthorized border crossings, centred on exclusion and lacking room for alternative solutions or (re)integration.

In theory, the detention of immigrants is different from detention under criminal law: immigration detention is an administrative measure, not meant to be a punishment. Nevertheless, immigration detention is an element of the criminalization phenomenon in many ways. As De Giorgi has noted, it is “exactly the partial subtraction of immigration from the sphere of penal law that allows the suspension of the traditional guarantees of criminal justice: the fact that the detention, expulsion, and deportation of immigrants are not considered as real ‘punishments’ permits a *de facto* criminalization which leaves aside the principles of the rule of law” (2006, p. 133). Immigrants who are put in detention are deprived of their liberty, living under degrading conditions in a prison-like environment. That is a good scenario regarding immigration detention in Greece, as detention conditions are often even more grave than the prison experience.

Between 2016 and 2019, detainees faced limited minimal assistance, support services, and information about their status (Fili, 2023, p. 119). Inappropriate facilities, as well as a lack of free time and social support, were prevalent. The detention of minors and seriously ill individuals was also observed. These conditions led to some centres even being described as “not fit for animals” (Human Rights Watch, 2016). A study in 2017 found approximately 300 men being held in shipping containers (Bhui, Bosworth and Fili, 2018). A visit by the European Committee for the Prevention of Torture (CPT) in 2018 revealed that fundamental legal safeguards against ill-treatment, such as access to a lawyer, were rarely applied in practice. There was a lack of interpretation services in all the institutions visited by the CPT, as well as chronic shortages of medical personnel, medication, and medical equipment (Cheliotis & Xenakis, 2021, p. 92). Overcrowding and unsanitary conditions in certain detention centres were condemned as “appalling” and “blatantly substandard” (*ibid.*). According to the CPT, the conditions amounted to inhuman and degrading treatment. Not only has the European Court of Human Rights condemned Greece for detention conditions, but also for the absence of measures to ensure the well-being

of detainees, who often endure extreme destitution (e.g. Kourakis, 2024a, p. 131; 2024b).

Moreover, despite the clear prohibition of national law (Presidential Decree 141/1991, art. 66), the Greek authorities utilize police stations for the detention of irregular immigrants, exposing detainees to inhumane conditions (*ibid*). These conditions include prolonged confinement without access to natural light and outdoor spaces, inadequate healthcare, limited entertainment opportunities, and a prohibition on using mobile phones. Without any legal safeguards, detainees find themselves abandoned in a semi-legal grey zone where their humanity is denied.

According to the crimmigration literature, the increasing trend of using administrative detention as an immigration-related sanction, similar to incarceration, indicates a gradual convergence between criminal justice procedures and the rules governing immigration law (Stumpf, 2006, p. 391). However, “[b]ecoming a proper subject of the criminal law amounts to more than being ostracised; it means remaining a member of the political community albeit with a different normative standing in it” (Melissaris, 2017, p. 21). In the Greek case, detention exhibits a strictly exclusionary vision. It serves as an extremely violent tool (Fili, 2023), which is laden with narratives of public order and national security. Unlike the probation system (Mavris, Koulouris & Anagnostaki, 2015), detention lacks a focus on “moral communication” with the foreigner (Spena, 2019, p. 314). Its degrading environment, inherent violence, and diminished legal safeguards mark it as an authoritative measure, designated to manage unwanted populations before leading them to expulsion.

PUSHBACKS

Pushbacks, also known as illegal refoulements, involve capturing and expelling migrants without assessing the legality of their presence or affording them the chance to seek asylum or voice objections to their removal (Koros, 2021a, p. 239). Pushbacks typically commence with the capture of individuals crossing the border, primarily in the Evros region, occasionally extending further inland (Karamanidou & Kasperek, 2022, p. 22). When arrests occur away from the border, migrants are transported to unofficial facilities such as abandoned police stations, where they are typically held overnight (Koros, 2021a, p. 239). During daytime arrests, migrants are detained, sometimes inside police or army vehicles, until they’re expelled at night (*ibid*).

Their physical exclusion from Greece has been affected through their identification as enemies of the state, as these removals occur arbitrarily, regardless of the documentation the migrants may present, and even though they may have applied for asylum or have acquired refugee status in Greece or another EU country (Global Legal Action Network, 2020). In this manner, the lawless border zone embodies sovereign prohibition, where individuals are excluded from the usual judicial-political order and subjected to the threat of death—both through literal exposure and deliberate actions aimed at ending lives (Agamben, 1998, p. 53).

Pushbacks violate the non-refoulement principle, which is a cornerstone of international refugee law and upon which access to all other rights under the 1951 Geneva Convention depends. Pushbacks in Greece reported for decades, spiked after border clashes in March 2020. They involve physical, verbal, and sexual violence, deprivation of essentials, and confiscation of belongings and documents to hinder evidence collection (Drakopoulou et al., 2020, pp. 181-2). Most importantly, pushbacks entail life-threatening practices, such as repelling and disabling inflatable boats, using firearms, and forcing people to swim back into the open sea. Perpetrators include the police, border guards, coast guard, army, and sometimes paramilitary groups (Koros, 2021a, p. 239). This raises a myriad of uncertainties and ambiguities regarding whether such bordering strategies, which are undeniably forms of control, can be interpreted as operating within the boundaries and safeguards of the rule of law.

The well-known Farmakonisi pushback on January 20, 2014, led to the tragic deaths of 11 Afghans, including 8 children. Their boat capsized while being towed at high speed through rough waters by the Greek Coast Guard. No rescue efforts were made. The European Court of Human Rights ruled that Greek authorities had not done enough to prevent the tragedy and safeguard the passengers during the operation (Dijstelbloem, 2021, p. 155). The court also determined that authorities did not conduct a thorough investigation into the sinking of the boat, violating the right to life of the victims.

Despite official denials, pushbacks became Greece’s “de facto” border policies (Amnesty International, 2021). In 2023, The New York Times published undeniable evidence, including video footage, showing a group of asylum seekers, including children and a six-month-old baby, being swiftly expelled by Hellenic Coast Guard officers from Lesbos to Turkey (NYT, 2023). This contradicted the government’s longstanding denial of pushback policies.

Even if individuals attempt to seek justice through official criminal justice mechanisms for the suffering they endured, it is extremely hard to gather evidence to validate their claims. This difficulty arises because pushbacks are essentially invisible, making it challenging to thoroughly examine and investigate the practice. For the victims of pushbacks, the border zone represents a lawless space where they are reduced to a state akin to bare life by the biopolitical nature of the border zone, existing “solely through an exclusion” (Agamben, 1998, p. 13).

The systematic and repetitive nature of pushbacks, characterized by raw violence rather than resembling criminal law, implies that this method of immigration enforcement could affect any border crosser. In this regard, the blanket labelling of border crossers as “immigrants”, which automatically denies their recognition as refugees, is intrinsically linked to a broader process of rendering them illegal (De Genova, 2002) and consequently treating them as enemies, devoid of any form of legal protection or recognition.

THE CRIMINALIZATION OF SOLIDARITY

The phenomenon of systematically prosecuting actions that provide aid to migrant boats in distress at sea, as well as targeting efforts to reveal border violence through bureaucratic mechanisms and other methods, can be termed “the criminalization of solidarity”. The United Nations Special Rapporteur on Human Rights Defenders, visited Greece in June 2022 to assess the situation for rights defenders in the country, and concluded that “human rights lawyers, humanitarian workers, volunteers and journalists [working on migration], have been subjected to smear campaigns, a changing regulatory environment, threats and attacks and the misuse of criminal law against them, to a shocking degree” (2023, p. 17).

Indeed, during the last years, civil society organizations (CSOs), NGOs, journalists, and individuals in Greece have experienced significant challenges regarding their engagement with migrant rights. According to Article 1(1)(a) of the EU Facilitation Directive, Member States are required to implement measures to punish those who willfully assist someone in entering the EU irregularly. According to the Directive, Member States may choose not to apply sanctions if the behaviour is intended to provide humanitarian aid. The humanitarian exception established under Article 30(6) of Law 4251/2014 on immigration is seldom applied, and the acts of human rights advocates are often confused with those of traffickers and

people smugglers (ibid, p. 12). In fact, “this legislation leaves open the possibility of everyday behaviour of human solidarity being punished as a criminal offence” (Chatzinikolaou, 2020, p. 179).

Seán Binder and Sarah Mardini, members of Emergency Response Centre International, were arrested in 2018 in Greece on suspicion of facilitating people smuggling. They were held in pretrial detention for over 100 days, part of what was termed “the largest case of criminalization of solidarity in Europe” (Moreno Lax et. al., 2021, p. 111), involving 24 humanitarian workers in total. Initially charged with various offences including forgery and facilitation of illegal entry, their case was dismissed in January 2023 due to procedural flaws. However, it was reopened in February 2023 after a Supreme Court Deputy Prosecutor appealed the decision. Simply occupying a specific location at a given time, diminishes foreign nationals “to a miasma, and it is a crime/ἥρσιμα, a sin for citizens to interact with them” (Melissaris, 2017, p. 12).

Post the EU-Turkey deal, Greece has seen a substantial increase in judicial actions against CSOs, recording over 53 cases during the 2016-2019 period (Vosyliute and Conte, 2019, p. 31). On July 19th, 2021, the Greek police launched an investigation into ten foreign nationals, four of whom were associated with NGOs, alleging they aided irregular immigrants’ entry, engaged in espionage, and obstructed Greek authorities’ efforts (Human Rights Watch, 2021). In September 2020, a similar inquiry targeted 33 foreign nationals and NGO members but led to no indictments (ibid). In January 2016, five NGO volunteers were arrested and prosecuted for towing distressed refugees on plastic dinghies to Lesbos island (Melissaris, 2017, p. 12). Likewise, in the summer of 2015, volunteers faced legal action for transporting refugees inland, with no resulting convictions (ibid).

In this regard, immigrants who engage in solidarity with their fellow migrants are disproportionately impacted by criminalization policies. Even if they are acquitted, criminal proceedings can significantly hinder their ability to reside in Greece and the EU in general. A conviction at the initial stage, or even the mere demonstration of reasonable suspicion, can lead to their exclusion from the right to seek asylum (European Asylum Support Office, 2016, p. 42). The criminalization machinery generates a circular logic of suspicion under which the “illegal immigrant” is permanently kept, disqualified from the asylum process and thus turned into an enemy.

Legal impediments

Stringent legislation requires NGOs working with migration, asylum, and social inclusion to register with the Ministry of Migration and Asylum in Greece (Lawlor, 2023, p. 11). The onerous registration process, in tandem with the broad discretion given to authorities to reject applications, further limits the space for providing aid to migrants in need. Unregistered NGOs cannot enter refugee camps, collaborate with the Ministry, or receive EU funding. Even registered NGOs may be denied access, except for legal aid work.

NGOs involved in search and rescue efforts must meet registration criteria and be integrated into the local operational plan of the Hellenic Coast Guard. They can participate only when requested, per Law 4825/2021, Article 40. Both national and international NGOs need inclusion in local emergency plans, provided they have no history of unauthorized sea support and have Coast Guard approval. Non-compliance carries imprisonment and fines.

Journalism

Amid violent immigration enforcement and the criminalization of immigrant support actions, Greece has employed tactics to conceal the inherent violence in these practices. Journalists covering migration in Greece face legal obstacles, including equipment confiscation and requests to delete photos (Lawlor, 2023, p. 16). Marina Rafenberg was detained for two hours in June 2022 for allegedly breaching a military zone while covering a pushback in Evros region (Emmanouilidou & Karamanidou, 2022). Knut Bry was arrested in March 2022 for photographing Coast Guard and Navy vessels, with his electronic archives seized during a home search (Lawlor, 2023, p. 16). Philip Pollák was detained in 2020 while trying to access a detention centre (Emmanouilidou & Karamanidou, 2022), and Stavros Michaloudis was surveilled in 2022 while covering a story on immigration detention of a 12-year-old boy (Investigate Europe, 2021).

The current criminalization of solidarity functions as a regulatory mechanism aimed at suppressing autonomous practices that challenge and undermine border enforcement. Moreover, the criminalization of those who oppose and resist violent border practices aims to silence voices that expose border violence and hold authorities accountable for their actions. Criminal law thus contributes to the further exclusion of migrants and refugees in a twofold preventive manner: firstly, by deterring assistance to border crossers at risk and secondly, by aiming to prevent additional

migratory flows at the policy level alone. This proactive shift, along with the tendency to normatively label expanding groups as “undesirables”, is associated with enemy penology and the under-criminalization thesis, which will be discussed further.

THE GREEK CASE OF ENEMY UNDER-CRIMINALIZATION

The above analysis demonstrates that immigration control mechanisms in Greece essentially treat immigrants as criminals, largely denying them the protection afforded by criminal law. These mechanisms employ punitive measures in the name of protection and prevention from the imminent threat of the potential enemy (the irregular immigrant), yet they lack accompanying procedural safeguards. The issue is deeply troubling because criminalization carries significant repercussions, including stigma and harsh penalties, against which the criminal justice system typically (at least theoretically) provides strong procedural safeguards (Spalding, 2022, p. 174). This allows the state to apply stigma and violence without navigating the complexities of the criminal justice process, thus allowing a case of enemy under-criminalization.

Continuing along this line of thought, several aspects of immigration control in Greece come to light. As previously mentioned, the primary legal grounds for detaining irregular immigrants in Greece are the protection of public order and national security. Notably, Greek law explicitly forbids using administrative detention on third-country nationals when their removal is not legally or practically feasible (Article 30(4) and (5) of Law 3907/2011). Nevertheless, it does permit the administrative detention of these individuals based on concerns of public order or national security, a provision absent in the Return Directive (2008/11/EC). In practice, the police frequently label foreigners as threats to public order or national security to justify their administrative detention, often in an arbitrary and unchecked manner (Koros, 2021b, p. 94).

According to the Greek Police, third-country nationals considered a danger to public order are those who have repeatedly committed serious criminal acts, such as robbery, homicide, or migrant trafficking and have served their custodial sentences (Koutsouraki, 2017, p. 88). However, the Greek Ombudsman has revealed that the police have been invoking this justification, even in cases where the sentences were imposed with a suspensive effect, for minor offences such as drug-related offences, and the convicted individuals had not spent any time in prison (*ibid*).

Consequently, the Hellenic Police appears to broadly interpret the term “danger to public order”, primarily based on whether an immigrant has been convicted of any (even minor) offences, for which the court, assessing the severity of the offence, suspended the sentence execution. This raises concerns about the racially biased aspect of this approach, given that the vast majority of initial sentences in Greece are suspended. This prompts the question of what distinguishes foreign individuals with such suspended sentences as “public danger”? The answer lies in the deep-rooted anxiety about non-citizens potentially undermining Greek culture and eroding national identity. This fear forms a prevalent rationale for imposing detention measures, simultaneously perpetuating the stereotype that immigrants pose a public order threat as perceived by the Greek state. In this vein, immigration detention functions as a mechanism of social control beyond the scope of the criminal legal order (Chan, 2006, p. 159).

Similarly, it is noteworthy that the Prosecutor of the Supreme Court of Greece, in circular No 4/2009 (unpublished), has expressed that “the reasons that lead to the harshening of criminal sanctions for migrant smuggling are evident, as this approach by the legislator aims to tackle a phenomenon causing significant social issues, public order problems, and harm to our national interests” (cited in Chatzinikolaou, 2020, p. 170). Here, the narratives of public order and national security are employed subtly, serving as a basis to legitimize the criminalization of acts of solidarity. This approach was reiterated on March 2, 2020, when the President of the Hellenic Republic enforced a Legislative Decision in response to Turkey’s decision to open its borders at the end of February 2020. The preface of this measure, which postponed all asylum applications for a month, cited an urgent and unforeseen need to address the security threat posed to the state by immigrants and refugees attempting to enter Greece (ibid, p. 172). This rationale aligns with the framework of a “state of emergency”, where a specific group becomes negatively associated with the emergency, simultaneously being distanced from the “deserving”, “normalized” citizenry (Koutrolikou, 2016, p. 176). This strategy establishes differentiation and, at the same time, contributes to the formation of an “enemy”, resulting in the population being divided into “us and them”.

Borrowing conceptually from crimmigration and enemy penology, enemy under-criminalization describes a punitive system that operates outside the rule of law, transcending the conventional framework of the democratic state. Within this framework of racialized exclusion,

the substantive and procedural due process guarantees inherent in the criminal law paradigm are set aside. Any communication between the state and the enemy is lacking (Brandariz, 2013, p. 257), and the focus is instead on isolating and incapacitating rather than engaging in dialogue or rehabilitation. Enemy under-criminalization places special emphasis on combating the enemy through any available means, whether through immigration law (detention), criminal law (solidarity), or outright violence (pushbacks).

Whilst Stumpf’s crimmigration theory indicates the merging of criminal and immigration law into a hybrid (legal) system, under enemy under-criminalization, several distinct legal and incapacitating strategies converge to produce a distinct space, which deviates from the normative power of the law. The legal and social status of immigrants plays a major role in categorizing them as enemies, going beyond mere criminalization (Spalding, 2022, p. 38) and placing them outside the established criminal legal social order instead.

This is evident not only through the harsh treatment of immigrants in detention, but also in the absence of automatic judicial review of detention orders, the limited information provided to detainees about their status upon arrest, the absence of legal representation before and during trial, and the non-translation of crucial trial documents for illegal entry cases (Koros, 2022). The creation of a two-tier system is further illustrated by risking lives at sea in the name of “deterrence” (Guardian, 2023), while consistently denying such actions, intensifying the severity of the situation.

Moreover, anyone attempting to address this issue is treated as an enemy. Solidarity groups are harassed and criminalized for supporting irregular migrants, and branded as enemies. Their actions challenge state policies and practices of hostility linked to sovereignty (Schack & Witcher, 2021, pp. 480, 491). Even when their solidarity acts are not criminalized, within this quasi-legal framework, the law itself impedes the expression of humanity and empathy. On the other hand, journalists exposing the mistreatment of irregular migrants or sharing their stories are labelled allies of the enemy.

Even when irregular immigrants go through the formal criminal process, the exceptional nature of the procedure points to an issue of under-criminalization. Research has shown that in cases where irregular immigrants are tried for human smuggling, the trials are characterized by issues such as the brevity of the hearings (sometimes lasting no more than six minutes), problematic choice of interpreters, and the recurrent tendency

to base convictions on the written statements of arresting officers, which are simply read out to the audience without their presence (Borderline Europe, 2023, p. 36-37).

The system of enemy under-criminalization does not administer punishments in the normative sense; it mainly employs coercive measures to safeguard society from the perceived constant threat posed by the dangerous Other to the unified national identity. This is particularly evident in the Greek context, given the nation's recent perception of immigration. Presently, Greek citizens more than any other EU country believe that immigrants should share cultural traditions and speak the national language to integrate into society (Bailey-Morley & Lowe, 2023). Recent studies on public perception of immigration highlight Greece's dominant image as a culturally and ethnically homogenous society, deeply concerned about migrants' perceived impact on its cultural and religious heritage (Triandafyllidou & Kouki, 2014), as well as the collective fear that migrants could exacerbate unemployment and fiscal challenges and increase feelings of insecurity (Bailey-Morley & Lowe, 2023). The foreigner has thereby been constructed as undesirable and threatening to both the economically advantaged population, who may see them as potential enemies fulfilling negative roles (e.g., rapist, prostitute, terrorist), and the marginalized and vulnerable population, who perceive them as rivals for state assistance in their pursuit of jobs and housing (Spena, 2019, p. 303).

The justification for institutionalized and racialized violence in immigration detention, integrated into the legal framework, primarily relied on national defence and the preservation of public order against the perceived threat of the immigrant enemy. Despite the severity of immigration detention, characterized by its harsh conditions akin to a prison-like environment, an asymmetry emerges between its punitive nature resembling criminal law and its parallel bypassing of the criminal justice system. On the other hand, the tactic of pushback draws criminologically from enemy penology, operating beyond the realm of law altogether. In the case of pushbacks, Greece has utterly disregarded legal norms, international agreements, and basic respect for human life. Pushbacks operate without a legal foundation, residing in a covert sphere where violence is carried out and then denied. In this context, the law does not facilitate or legitimize the authority of the Greek state; instead, it is effectively absent. The law has been arbitrarily suspended, giving rise to a unique form of sovereign power, established through the suspension of the rule of law.

Finally, the criminalization of solidarity, like immigration detention, is legitimized through notions of security and deterrence, obscuring its intrinsically inimical nature. While it may belong to the realm of criminal law, its differential legal treatment renders it a component of enemy under-criminalization. Criminal law safeguards are not applied to the actual criminal process when such a case is brought before a court. The elimination of perceived enemies through the persecution of solidarity is portrayed as an essential measure to safeguard the welfare, and even the survival, of the populace.

DISCUSSION

Concerning borders and migration, enforcement practices are customarily excised from the purview of ordinary criminal law and border policing and migrant detention are insulated as merely "administrative" and discretionary matters. Whereas being juridically designated as a "criminal" is customary to be subjected to the recriminations of the law, and thus to be inscribed within the law and its punishments, being an "irregular" migrant or refugee apprehended at a border and subjected to migrant detention—on no other grounds than one's mere status as a non-citizen border crosser—commonly involves being made the object of an ostensibly "administrative" apparatus, and as a consequence, being potentially figured as effectively outside of the purview of the law altogether.

In late modernity, the demonizing construction of immigrants as "criminal" and "deviant", in stark antithesis to a lawful and "normal" citizenry, supplies the rationale for strengthening a fragile national identity, amidst an environment of augmented insecurity and uncertainty (Young, 2003, p. 455). The process of establishing and reaffirming identity is intimately intertwined with the castigation of "illegals", ranging from their demeaning to their demise.

In this context, detaining immigrants in dire conditions, subjecting them to life-threatening sea journeys, and criminalizing those aiding their survival, while simultaneously complicating the legal requirements for providing assistance and pressuring critical journalism, all contribute to a wider rationale. These mechanisms serve as instruments of enemy under-criminalization, treating their subjects as foreign enemies who deserve severe punishment but denying them the opportunity to reclaim their basic human rights through a criminal law framework.

In the crimmigration literature, it has been widely discussed that,

notwithstanding the formal absence of the characterization of immigration law measures as punitive, including loss of liberty, immigration measures may be used for punitive effect. Also, enemy penology has emphasized the treatment of the enemy as exceptional, segregating its logic from the rationality of citizen criminal law, aspiring to isolate and incapacitate the enemy.

What enemy under-criminalization sheds light on is the convergence of these strategies, wherein the irregular immigrant is treated as an enemy, with specific emphasis on her under-criminalization. This under-criminalization allows the state to bypass the safeguards of the criminal justice system through the use of administrative law mechanisms (detention) by invoking the exceptional character of the issue (solidarity), or even by utterly abandoning the law (pushbacks).

This convergence offers a justification for the collective phantasy that deviance, criminality and other negative qualities are not inherent in Greekness, but are being imported from external sources. The creation of such rigid dichotomies becomes especially pronounced during periods of social unrest, exemplified by the state of affairs in Greece over the past decade. This period has been marked by significant financial difficulties, the ascent of the far-right, soaring unemployment rates, and a reduction in social welfare, among other challenges.

If immigrants were solely penalized for their irregular status, the overall state of Greek immigration control might not seem as dire (Spalding, 2022). Achieving this would require, albeit unrealistically, political transparency regarding immigration's true importance in the governmental agenda. However, as Bigo suggests (2002, p. 70), politicians are hesitant to challenge the myths surrounding the purity of national identity, as these myths underpin their comprehension of the political and social world, along with their struggles and values. Despite their actions against border crossers coupled with processes of "illegalization", they recognize that determined individuals will find a way to enter (*ibid*). From this perspective, the immigrant becomes a personal enemy to politicians, heightening their sense of humiliation due to their inability to safeguard the nation's cultural and social coherence. Consequently, the immigrant is perceived as an enemy both in the public sphere (acting *contra legem*) and in the private realm, undermining the politician's will. This construction of a threatening figure has justified subjecting immigrants to life-threatening conditions, where survival and death are equally likely (Koros, 2021a, p. 248). This approach aims to

eliminate the foreign enemy without giving her the chance to enjoy the basic human rights that the criminal law can offer.

CONCLUSION

In 2006, Stumpf highlighted the dearth of theoretical exploration concerning the intersection of criminal and immigration law. She urged scholarly attention as the amalgamation of these domains gained momentum (2006, p. 377). The concept of crimmigration has undeniably proved valuable to numerous scholars, adapted in diverse ways. However, understanding these mechanisms demands examining their establishment in distinct institutional, national, and historical contexts. In this vein, this essay has attempted to synthesise insights from crimmigration and enemy penology to provide a robust explanation regarding the Greek case of immigration control.

This essay contributes to legal scholarship on crimmigration by offering a theoretical account of how the absence of criminal law safeguards, coupled with the erosion of the rule of law, influences the treatment of irregular immigrants as enemies. In doing so, it has contended that, within this system, the legal framework, clandestine violent operations, and social control mechanisms intersect through a process of enemy under-criminalization to render individuals, their humanity, pain, and suffering invisible. This concealment is facilitated by a deliberate depreciation of moral considerations regarding the lives of irregular immigrants.

This approach has resulted in the establishment of a parallel control system for immigrants, who are treated as enemies of the state. This system involves inhumane treatment in detention, violence during pushbacks, and fostering a hostile environment towards acts of solidarity. Additionally, critical journalism that sheds light on the violence is suppressed. Consequently, anyone attempting to cross the border under this framework is treated as a threat and subjected to repressive and violent measures. All of these measures operate within a process of under-criminalization, as they lack the procedural protections of the criminal justice system, despite resembling criminal punishment.

In this sense, enemy under-criminalization provides the basis for designing a separate system for dealing with irregular immigrants, justifying their exceptional treatment and encroaching upon their liberty and humanity in the name of prevention without due procedural safeguards. All of these exceptional measures devalue the individual to the degree

of non-personhood, while at the same time, they are “constructed and performatively narrated as a crisis, attributed to the action of an enemy” (Stavrakakis et al., 2018, p. 15).

The escalating enemy under-criminalization agenda towards non-citizens is evident in the increasingly violent immigration control mechanisms and the reduced emphasis on human and legal safeguards. Under its exclusive and violent character, it tends to undermine principles inherent to the rule of law, such as certainty, accountability, reliability, and ultimately, justice. Instead of fostering security, it relies on and generates insecurity. In the same way that access to asylum is a fundamental human right, the freedom of CSOs, NGOs, and the press serves as a fundamental pillar of liberal democracy. This trajectory leads to an undemocratic path, impacting freedom and equality for all. It should not only be a matter of scholarly work but also a crucial wake-up call for everyone.

ACKNOWLEDGEMENTS

I would like to extend many thanks to George Nikolopoulos, Keramet Reiter, and the two anonymous reviewers for their very insightful comments on earlier versions of this essay.

REFERENCES

- Abrego, L., Coleman, M., Martinez, D., Menjivar, C. & Slack, J. (2017). Making immigrants into criminals: Legal processes of criminalization in the post-IIRIRA era. *Journal on Migration and Human Security*, 5(3), pp. 694-715. <http://dx.doi.org/10.1177/233150241700500308>
- Agamben, G. (1998). *Sovereign power and bare life* (transl: D. Heller-Roazen). Stanford University Press.
- Amnesty International. (2021). Greece: Violence, lies, and pushbacks – Refugees and migrants still denied safety and asylum at Europe’s borders. <https://www.amnesty.org/en/documents/eur25/4307/2021/en/> (Accessed on July 9, 2023).
- Angeli, D. & Anagnostou, D. (2022). A shortfall of rights and justice: Judicial review of immigration detention in Greece. *EJLS Special Issue*, May 2022, pp. 97-131. <http://dx.doi.org/10.2924/EJLS.2022.004>
- Bailey-Morley, A. & Lowe, C. (2023). *Public narratives and attitudes towards refugees and other migrants: Greece country profile*. https://cdn.odi.org/media/documents/ODIPublic_narratives_Greece_country_study_08June23.pdf (Accessed on July 9, 2023).
- Baldwin-Edwards, M. (2004). Immigration into Greece, 1990-2003: A southern European paradigm. *European Population Forum*, 29.
- Bhui, H. S., Bosworth, M. & Fili, A. (2018). Monitoring immigration detention at the borders of Europe: Report on a pilot project in Greece, Hungary, Turkey and Italy, 2016-2017.

- https://law.ox.ac.uk/sites/default/files/migrated/monitoring_immigration_detention_at_the_borders_of_europe_compressed.pdf (Accessed on July 9, 2023).
- Bigo, D. (2002). Security and immigration: Toward a critique of the governmentality of unease. *Alternatives*, 27(1_suppl), pp. 63-92. <https://doi.org/10.1177/03043754020270S105>
- Bosworth, M. & Fili, A. (2015). Immigration detention in Britain and Greece. *Detaining the immigrant other: Global and transnational issues* (pp. 79-90).
- Bowling, B. & Westenra, S. (2020). A really hostile environment: Adiaphorization, global policing and the crimmigration control system. *Theoretical Criminology*, 24(2), pp. 163-183. <https://doi.org/10.1177/1362480618774034>
- Brandariz, J. A. (2023). Twenty-first century political justice: Reflections on the blind spots of current debates on penalty. *Crime, Law and Social Change*, pp. 1-19. <http://dx.doi.org/10.1007/s10611-022-10071-w>
- Brandariz, J. A. (2022). Criminalization or instrumentalism? New trends in the field of border criminology. *Theoretical Criminology*, 26(2), pp. 285-303. <https://doi.org/10.1177/13624806211009158>
- Brandariz, J. A. (2013). The control of irregular migrants and the Criminal Law of the Enemy. In M. Guia, M. van der Woude & J. van der Leun (Eds.), *Social control and justice: Crimmigration in the age of fear* (pp. 255-266).
- Chan, W. (2006). Crime, deportation and the regulation of immigrants in Canada. *Crime, Law & Social Change*, 44(2), pp. 153-180. <http://dx.doi.org/10.1007/s10611-005-9000-6>
- Chatzinikolaou, N. (2020). Crimmigration in Greece: A story of exceptional derogations from the rule of law within a permanent situation of emergency. In G. Gatta, V. Mitsilegas & S. Zirulia (Eds.), *Controlling immigration through criminal law: European and comparative perspectives on crimmigration* (pp. 165-190). Bloomsbury Publishing.
- Cheliotis, L. K. & Xenakis, S. (2021). What's left? Political orientation, economic conditions and incarceration in Greece under Syriza-led government. *European Journal of Criminology*, 18(1), pp. 74-100. <https://doi.org/10.1177/1477370820966568>
- De Genova, N. P. (2002). Migrant “illegality” and deportability in everyday life. *Annual Review of Anthropology*, 31(1), pp. 419-447. <http://dx.doi.org/10.1146/annurev.anthro.31.040402.085432>
- De Genova, N. & Roy, A. (2020). Practices of illegalisation. *Antipode*, 52(2), pp. 352-364. <https://doi.org/10.1111/anti.12602>
- De Giorgi, A. (2006). *Re-thinking the political economy of punishment: Perspectives on post-Fordism and penal politics*. Ashgate Publishing.
- Dijstelbloem, H. (2021). *Borders as infrastructure: The technopolitics of border control*. MIT Press.
- Emmanouilidou, L. & Karamanidou, L. (2022). On Greece's land border, lawlessness. <https://www.longroadmag.com/features/ongreeceslandborderlawlessness> (Accessed on July 9, 2023).
- European Asylum Support Office. (2016). Exclusion: Articles 12 and 17 Qualification Directive (2011/95/EU): A judicial analysis. <https://euaa.europa.eu/sites/default/files/public/Exclusion%20Final%20Print%20Version.pdf> (Accessed on April 27, 2024).
- Fili, A. (2023). *Documenting immigration detention in Greece: A continuum of extreme violence and complicity*. Lancaster University.
- Fili, A. (2018). Containment practices of immobility in Greece. In *Critical perspectives on migration in the twenty-first century* (pp. 162-180).
- Global Legal Action Network (2020). Enforced disappearance and expulsion at Greece's Evros

- border. <https://www.glanlaw.org/enforced-disappearance-greece> (Accessed on July 28, 2023).
- Golder, B. & Michaelsen, C. (2014). Political criminals, terrorists and extra-criminal regimes of punishment. In F. Jenkins, M. Nolan & K. Rubenstein (Eds.), *Allegiance and identity in a globalised world*. Cambridge University Press.
- Hernández, D. M. (2007). Racial genealogies of immigrant detention. In *Constructing borders/ crossing boundaries: Race, ethnicity, and immigration* (pp. 59-76).
- Human Rights Watch (2021). Greek authorities target NGOs reporting abuses against migrants. <https://www.hrw.org/news/2021/07/22/greek-authorities-target-ngos-reporting-abuses-against-migrants> (Accessed on July 9, 2023).
- Human Rights Watch (2016). *Greece: Refugee “hotspots” unsafe, unsanitary*. <https://www.hrw.org/news/2016/05/19/greece-refugee-hotspots-unsafe-unsanitary> (Accessed on July 9, 2023).
- Kalantzi, F. (2017). The securisation of migration in Greece. <http://dspace.lib.uom.gr/handle/2159/20375> [in Greek].
- Karydis, V. (1996). *The criminality of immigrants in Greece: Issues of theory and anti-crime policy*. Papazisis [in Greek].
- Karyotis, G. (2012). Securitization of migration in Greece: Process, motives, and implications. *International Political Sociology*, 6(4), pp. 390-408. <http://dx.doi.org/10.1111/ips.12002>
- Karyotis, G. & Patrikios, S. (2010). Religion, securitization and anti-immigration attitudes: The case of Greece. *Journal of Peace Research*, 47(1), pp. 43-57. <https://doi.org/10.1177/0022343309350021>
- Koros, D. (2022). *Extraordinary justice and the criminalisation of illegal entry: A border criminology perspective*. <https://www.rchumanities.gr/koros-dimitris/> (Accessed on July 9, 2023).
- Koros, D. (2021a). The normalization of pushbacks in Greece: Biopolitics and racist state crime. *State Crime Journal*, 10, pp. 238-256.
- Koros, D. (2021b). Immigration detention in Greece: A border criminology approach. *Art of Crime*, 5, pp. 68-103.
- Kourakis, F. (2024a). The anatomy of social murder: Lessons from Greece. *Revista Universitară de Sociologie*, 1, pp. 126-137.
- Kourakis, F. (2024b). Immigration detention in police stations in Greece: A persistent and cruel practice. *Border Criminologies* <https://doi.org/10.17176/20240308-090946-0>.
- Koutrolikou, P. (2016). Governmentalities of urban crises in inner-city Athens, Greece. *Antipode*, 48(1), pp. 172-192. <https://doi.org/10.1111/anti.12163>
- Koutsouraki, E. (2017). The indefinite detention of undesirable and unreturnable third-country nationals in Greece. *Refugee Survey Quarterly*, 36(1), pp. 85-106. <http://dx.doi.org/10.1093/rsq/hdw022>
- Krasmann, S. (2007). The enemy on the border: Critique of a programme in favour of a preventive state. *Punishment & Society*, 9(3), pp. 301-318. <http://dx.doi.org/10.1177/1462474507077496>
- Lawlor, M. (2023). Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor – Visit to Greece. <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders> (Accessed on July 9, 2023).
- Mavris, M., Koulouris, N. & Anagnostaki, M. (2015). Probation in Europe. <https://www.cep-probation.org/wp-content/uploads/2018/10/probation-in-europeGreece-2015.pdf> (Accessed on July 9, 2023).

- Melissaris, E. (2017). Non-citizens as subjects of the criminal law. https://eprints.lse.ac.uk/73413/1/WPS2017-02_Melissaris.pdf (Accessed on July 22, 2023).
- Moreno Lax, V., Allsopp, J., Tsourdi, E. L. & De Bruycker, P. (2021). The EU approach on migration in the Mediterranean. [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694413/IPOL_STU\(2021\)694413_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694413/IPOL_STU(2021)694413_EN.pdf) (Accessed on July 9, 2023).
- Mouzourakis, M. (2019). All but last resort: The last reform of detention of asylum seekers in Greece. EU Immigration and Asylum Law and Policy. <https://eumigrationlawblog.eu/all-but-last-resort-the-last-reform-of-detention-of-asylum-seekers-in-greece/> (Accessed on July 9, 2023).
- Rubins, R. R. (2023). *Crimmigration under international protection: Constructing criminal law as governmentality*. Routledge.
- Schack, L. & Witcher, A. (2021). Hostile hospitality and the criminalization of civil society actors aiding border crossers in Greece. *Environment and Planning D: Society and Space*, 39(3), pp. 477-495. <https://doi.org/10.1177/0263775820958709>
- Spalding, A. (2022). *The treatment of immigrants in the European Court of Human Rights: Moving beyond criminalisation*. Bloomsbury Publishing.
- Spena, A. (2019). The double-deviant identity of the mass-foreigner and the lack of authority of the crimmigrationist state. *New Criminal Law Review*, 22(3), pp. 301-317. <https://doi.org/10.1525/nclr.2019.22.3.301>
- Stavrakakis, Y., Katsambekis, G., Kioupiolis, A., Nikisianis, N. & Siomos, T. (2018). Populism, anti-populism and crisis. *Contemporary Political Theory*, 17, pp. 4-27. <https://doi.org/10.1057/s41296-017-0142-y>
- Stumpf, J. (2006). The crimmigration crisis: Immigrants, crime, and sovereign power. *American University Law Review*, 56(2), pp. 367-419.
- Triandafyllidou, A., Angeli, D. & Dimitriadi, A. (2014). Detention as punishment: Can indefinite detention be Greece's main policy tool to manage its irregular migrant population? Midas Policy Brief. ELIAMEP.
- Triandafyllidou, A. & Kouki, H. (2014). Naturalizing racism in the center of Athens in May 2011: Lessons from Greece. *Journal of Immigrant & Refugee Studies*, 12(4), pp. 418-436. <https://doi.org/10.1080/15562948.2014.932477>
- Van der Woude, M. & van der Leun, J. (2017). Crimmigration checks in the internal border areas of the EU: Finding the discretion that matters. *European Journal of Criminology*, 14(1), pp. 27-45. <https://doi.org/10.1177/1477370816640139>
- Vosyliute, L. & Conte, C. (2019). Crackdown on NGOs and volunteers helping refugees and other migrants. Research Social Platform on Migration and Asylum, Brussels.
- Young, J. (2003). To these wet and windy shores: Recent immigration policy in the UK. *Punishment & Society*, 5(4), pp. 449-462. <https://doi.org/10.1177/14624745030054005>
- Yuval-Davis, N. (2004). Borders, boundaries, and the politics of belonging. In S. May, T. Modood & J. Squires (Eds.), *Ethnicity, nationalism, and minority rights* (pp. 214-230). Cambridge University Press.

Media Outlets

- Bellingcat (2020). Masked Men On A Hellenic Coast Guard Boat Involved In Pushback Incident. <https://www.bellingcat.com/news/uk-and-europe/2020/06/23/masked-men-on-a-hellenic-coast-guard-boat-involved-in-pushback-incident/> (Accessed on July 9, 2023).

The Guardian (2023). Greek PM hails 'tough but fair' migration policy on election trail. <https://www.theguardian.com/world/2023/may/12/greek-pm-hails-tough-but-fair-migration-policy-on-election-trail> (Accessed 9 July 2023).

Investigate Europe (2021). #Pressfreedom: I am the journalist being watched by the Greek secret service. <https://www.investigate-europe.eu/en/2021/stavros-malichudis-journalist-being-watched-by-the-greek-secret-service-press-freedom/> (Accessed on July 12, 2023).

New York Times (2023). Greece says it doesn't ditch migrants at sea. It was caught in the act. <https://www.nytimes.com/2023/05/19/world/europe/greece-migrants-abandoned.html> (Accessed on July 9, 2023).