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GIVE ME (NEO)LIBERTY OR GIVE ME DEATH

A CRITICAL READING OF THE EU'S EXTERNAL BORDER REGIME AS DERIVED FROM GREECE'S GOLDEN VISAS V. ASYLUM PROCEDURE

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by

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RQ: In what ways does the comparison of Greece's Golden Visa program and asylum process in the context of neoliberalism shine new light into the in/exclusion 'paradox' of the liberal state?

ABSTRACT: This thesis seeks to rectify the paradox of liberal state inclusion by assessing the impact of neoliberalism on the criteria for state inclusion, and thus the values that underpin Europeanness. This shall be done through a comparative study of the policies and praxis in Greece governing migrants on the two polar ends of the socioeconomic spectrum: asylum seekers migrating without state authorisation v. investor migrants passing through so-called 'Golden Visa' programmes. The former group is comprised of individuals forced to flee to survive, yet unable to migrate lawfully to a region where they may apply for asylum due to an absence of safe, legal channels. The latter, though they certainly may have non-economic incentives to migrate, ultimately purchase state inclusion as an asset which suits their needs. This comparison juxtaposes the readiness of the state to grant inclusion on humanitarian grounds against its willingness to grant inclusion as a function of the market.

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ABBREVIATIONS

AML	The Anti-Money Laundering Directive
CEAS	Common European Asylum System
EASO	European Asylum Support Office
EU	European Union
FRONTEX	European Border and Coast Guard Agency
IIP	Immigrant Investor Programme
IOM	International Organization for Migration
MENA	Middle East and North Africa
MS	Member State
NCB	National Commercial Bank
OECD	Organisation for Economic Cooperation and Development
RD	The Return Directive
UNHCR	The United Nations High Commission for Refugees
US	United States

INTRODUCTION

The European Union (EU) typically defines itself as an area of 'liberty, security, and justice,' emphasising its identity as founded in its commitment to 'liberal' principles (See: Desmond, 2016). However, two equal individuals will receive diametrically different treat at their arrival in Europe by virtue of their respective economic prowess. A migrant escaping war-torn Daraa, in Syria, may be subjected to indiscriminate, unlawful detention for months, perhaps even years, in an overcrowded 'reception' centre, whereas a wealthy compatriot from Damascus' elite faces no such barriers. One arrives at the first destination which may grant her shelter; the other shops for the nationality which best suits her needs, gaining full legal and political rights in a country of choosing amongst a menu of options. This situation highlights not just the de-prioritisation of humanitarian imperative in the border regime, as proposed by Brussels, but also dehumanisation and criminalisation of the 'global poor' in favour of migrants serving economic purpose.

To work out this paradox, it is necessary to investigate beyond the taken-for-granted notion of the EU as a classically liberal entity. Liberalism, as classically understood, represents a shift in the conceptualisation of government as protectorate of, not just nobles and the elites, but the entirety of the population; Anyone, regardless of the circumstances of their birth, should be equal in the rights and freedoms available to them (Joppke, 2008). However, inclusion into the EU, and thus the ability to access the rights and liberties granted there, is not granted universally. Each year, tens of thousands of individuals attempt to migrate into the EU but are ultimately detained and deported. Understanding inclusion as a function of the nation of the state, these individuals are excluded precisely because they are not viewed as congruent or complementary to that nation. Thus, the EU presents a 'paradox of universalism' (Ibidem.) whereby the value system which expressly binds the nation is incongruent with how individuals from outside the union are assessed.

Liberalism and cosmopolitanism in Europe arose in the context of colonialism, alongside notions of European superiority on the world stage (Chebel d'Appollonia, 2002). The recent attacks on 9/11 and the framing of Islam (illiberal) as oppositional to the West (liberal) attest to the particularity of liberalism (Joppke, 2013). A great many of those from regions which are not viewed as 'compatible' with the liberal 'West' are arrested,

in both senses of the word, at the border. However, a select few individuals, including the co-nationals of those excluded, are permitted entry into the EU, premised on their economic prowess.

The valorisation of certain migrants based on their market potency indicates a permeation of neoliberal values into state border policy and praxis. Neoliberalism, when viewed as a political project rather than merely an economic system, can account for not only the logic of the in/exclusion of individuals to state membership, but can also be explanatory of the logic of the mechanisms and procedures by which this in/exclusion occurs. The contemporary hegemonic manifestation of capitalism, neoliberalism importantly theorizes freedom in terms of market practices rather than individual liberties (Mitchell, 2003). The prioritisation of the 'free market' above other notions of freedom creates an important reframing of what is 'liberal' about the liberal state, and what is free about freedom.

In this context, the specific question which this thesis asks is: in what ways can the paradoxes of the EU's external border regime be untangled through a reading which emphasises the neoliberal framework backing its border regime at two polar ends of the economic spectrum? The study is conducted on two levels. Firstly, through a broad examination of the logic and practices which govern inclusion on an EU-wide level. Secondly, through an in-depth examination of the specificities of the policies and praxis of the Greek regime, shining light on how these frameworks play out in practice. By critically positioning the Greek case within the framework of neoliberalism, the nature of the paradoxes in which the EU migration are entangled surface.

This is to several ends. Firstly, this comparison shall begin to fill a research gap in the field of migration studies when it comes to comparing migrant experiences along socioeconomic lines (see: Soysal, 2012). What's more, Immigrant Investor Programmes (IIPs) are direly understudied by academics. This is problematic, considering alarming reports that these programmes have been observed to be a key link in international money laundering and other transnational crimes (Cooley and Sharman, 2019; Parker, 2016; Xu et al., 2015). Finally, this report aims to serve as a counterweight to the pervasive taken-for-granted assumption throughout the study of international relations that 'liberal democracies have already achieved full political inclusion and equality' (Bauböck, 2006,

p.16) which allows for the exclusionary nature of citizenship and migration policy to be overlooked.[1]

Traditionally, inclusion into the state is underpinned by notions of belonging to the nation of the state, with Citizenship representing the most complete form of inclusion into the community of the state. Today authorised residency in the EU begets virtually the same rights as the citizen. and the logic of inclusion into the EU, whether by citizenship or residency, follows in continuity from that which has historically rooted citizenship.

The requirement for inclusion to link oneself to the nation of the state can be clearly observed in the practice of citizenship transference, however, is obscured with authorised residency, in the absence of a singular, codified procedure. This is further obscured, in the case of the EU, whereby inclusion to one state permits inclusion to all other Member States (MS), yet each MS is semi-autonomous in the sphere of migration, creating its own laws within a larger European framework.

Though the EU is formally a supranational union of sovereign states, the harmonisation of the EU's border, passport, and migration regimes suggests that in these fundamental exclusive powers of sovereignty, the EU acts as national juridical entity when excluding select 'Others' from its territorially demarcated reign (Wodak and Boukala, 2015). In this respect, the EU exerts itself as a sovereign bloc in the sphere of migration. This way, the criteria for inclusion into the EU can be uncovered through theorizing its 'nation' and the ideological 'glue' that binds it.

However, while citizenship relies upon tethering the individual to the nation of the state, the 'nation' and the 'state' are far from synonymous. Theoretically, a nationality could be constructed around any habit, trait, or feature of human life, insofar as there is a collective self-identification with that habit, trait or feature that is common to all. Though historically nations are comprised of individuals with a shared ethno, cultural, linguistic or religious history, regardless of a common territoriality (two examples being Jews or Czechs), this list is far from exhaustive. The rise of the multicultural state has ushered in a new form of nationalism, fixed upon the 'common values' which are perceived as allowing for the existence of such a state (Máiz, 1999).

[1] As Bourdieu observes, 'states conceptualise us more than we, as academics conceptualise the State' (as seen in Bigo, 2002, p. 67).

By conceptualising the criteria for inclusion into the EU as deriving from (neo)liberalism, this paper aims to make sense of the aforementioned paradoxes presented by the EU's external border regime. This is to the ends of pushing forward the general academic debate surrounding migration regimes more generally, and the EU, in particular. This must be done with expediency, as a more balanced, comprehensive system can only be conceptualised if the flaws of the current one are acknowledged, hoping for an improvement of the situation of the gargantuan number of asylum seekers who are utterly dehumanised and deprived of their basic needs today.

The Greek case is particularly exemplary of the neoliberal ethos latent throughout the EU border regime. A large part of its migration policy has been mandated from EU conventions (Gammeltoft-Hansen, 2011) and therefore, though the focus is on the Greek experience, the case study demonstrates an insight into policy and praxis on the EU level.. Greece experiences significant in-migration at both extremes of the socioeconomic spectrum. Located at the periphery of the EU, Greece shares a 206 kilometre land border with Turkey in addition to its expansive maritime boundary of the Aegean and Mediterranean seas separating Europe from the Middle East and Africa. Due to its geopolitical position, Greece is a major point of reception for asylum seekers, who cross mainly by land and sea into the EU, regardless of whether they wish to ultimately seek asylum there or in another MS (Achilli, 2018). At the same time, against the backdrop of the 2008 financial crisis, Greece offers one of the cheapest golden visa programmes in the EU and *the* most popular in the world (Nesheim, 2018). Contrasting the official policies and attitudes towards these two groups on the Greek level, and the EU level that backs it, yields wider implications on the functionality of border and migration policy

Accordingly, this thesis will be composed of four chapters. The first two chapters are theoretical, broadly outlining the framing necessary to shine light on the EU and Greece's migration regime in the latter two chapters.

The first chapter focuses on the relationship between citizenship and nationality. Citizenship has traditionally been championed by scholars as a means of distributing rights to all members of the state, but this redistributive mechanism stops at the border. I will be drawing from the work of critical theorists such as Brubaker and Joppke, who for this reason reframe citizenship as a mechanism of 'universal inclusion and particular exclusion' (Nassehi and Schroer, 1999: 83), whereby rights distribution is increasingly equitable despite ascribed status within the state's territory, while rights are selectively

and arbitrarily withheld from those from outside it. Concurrently, I will base the discussion on a constructivist definition of nationalism, derived particularly from the theory of 'imagined communities' of Benedict Anderson. The second chapter outlines EU nationality as deriving from the common belief in the values proposed by liberalism and neoliberalism. In this section, I will offer a postcolonial reading on liberalism to then move on to the concept of neoliberalism defined not just in terms of economics but concurrent to a purpose of social restructuring from above. In the third chapter I will address the current state of migration policy in the EU as it relates to migrants from two socioeconomic extremes, so as to broadly understand the asylum procedure/practices and Golden Visa programmes on an EU level within the context of neoliberalism. This will serve to contextualise the fourth chapter, in which I will apply the theory and discussion from the first three chapters to the Greek case.

The analysis will be twofold, first examining the procedures and experiences for those entering Greece in search of asylum, then performing a similar examination for those migrating through Greece's golden visa programme. Though it would of course be ideal to test this framework by comprehensively applying it to additional groups of migrants who fall between the socioeconomic extremes that will be examined (i.e. guest workers, student visa holders), such a study would fall beyond the scope of this paper. I encourage the composition of such a report as to fill in the gaps left by this report. To begin this section of analysis, an overview of both Greece's political landscape and its historical relationship to migration will be given, so as to contextualise the particularities of its migration regime as distinct from that of the EU as a whole. Once this groundwork is laid, its contemporary asylum system will be outlined and analysed, followed by a similar analysis of Greece's IIP.

METHODOLOGY

The information on the Greek asylum system draws upon a variety of sources. In my analysis, I employ data from Eurostat - the EU's statistical office, NGOs (such as Amnesty International and Médecins Sans Frontières) who have been active in dealing with refugees in Greece for several years, and existing academic research on the subject. As the policies and praxis of the asylum procedure are often incongruent, it is necessary to go beyond merely analysing the letter of the law.

Unlike Greece's asylum system, there is little academic research published on Greece's golden visa programme. At the time of writing, this programme is only referenced in the literature in relation to other IIPs, not as the primary object of observation. This can be explained by the general lack of research on the subject and the fact that Greece's programme has surged in popularity only in the past several months. Sources cited include Enterprise Greece, a national body which promotes investment in Greece under the supervision of the Greek Ministry of Foreign Affairs, the European Parliament, Henley & Partners and other influential citizenship and residency consulting firms, and Investment Migration Insider, a journal which provides information on golden visa programmes and their clients for a range of actors. These actors not only explain the details of Greece's golden visa programme, but interestingly, frame it as a commodity with specific advantages and disadvantages.

By studying the Greek case within the context of the EU's migration strategy, this paper aims to point to grander conclusions on the impact of neoliberalism on the EU's border regime. Although Greece has its own particularities which distinguish it, both from the situation of the EU as a conglomerate and from other MS, it is precisely these particularities which magnify the neoliberal logic at play in the state. While this weakness prevents us from concluding definitively on an EU level, it should serve to evidence future, more far reaching studies on the subject. This paper will conclude in this way, with what is learnt from the Greek case, and what can be surmised regarding the larger EU 'picture.'

CHAPTER I

CITIZENSHIP AND NATIONALITY

While today, most legal and political rights in the EU can be accessed through legal permanent residency rather than the absolute assumption of citizenship (Spiro, 2012), the criteria for inclusion of all kinds, follows in continuity from the development of citizenship. Citizenship, by definition, is the mechanism by which the most complete set of membership rights of a state are conferred to the individual and has historically been instrumental in the individual's achieving inclusion into the state. All forms of citizenship transference necessitate a 'genuine link' to the national community of the state to be established. However, the 'national' remains elusive; what brings a nation into being is mass self-identification with specific traits, values, or habits which could derive from any aspect of life. Though traditional forms of nationality frequently rely on ethno-historical ties, multicultural states and regions seek to forge national identity from the *values* ascribed to multiculturalism itself. The EU is one such region that links its citizenship to a set of values, ascribed to multiculturalism and tolerance, but as will be discussed in chapter two, is historically rooted in a particular strand of liberalism (and its moral-historical baggage) which has more recently been overshadowed by neoliberalism. This discussion will bring us up to speed with the existing discussion in border and migration studies: that the institution of citizenship is paradoxical in that it is both liberal –as a tool for transferring membership status and rights to those inside the state– and illiberal, as its acquisition is predicated on either ascribed status at birth, or the assumption of the state's national identity, thereby making rights *conditional*, rather than, as liberalism preaches, *universal*. This chapter will first sketch the development of citizenship and the logics of nationalism by which it is transferred. Then, nationalism and its fluidity and problematics will be discussed, leading to a discussion of nationality within a multicultural/ethnic region. Understanding citizenship in the EU as rooted in a particular set of shared 'values' allow for the discussion of the ideological framework, chiefly neoliberalism, that underpins these values in the next chapter.

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Since its inception, citizenship has been widely viewed as an essential tool for realising post-Enlightenment liberal ideals (Torpey, 2000). Broadly defined, liberalism describes the political doctrine granting equal freedoms and opportunities to all members of society. In the wake of the French Revolution, citizenship arose to take the place of the 'subject' in the new regime, signifying a new relationship between government and governed (*Ibidem*). In popular academic discourse, citizenship has been overwhelmingly championed as a move away from the *ancien régime*, from 'status to contract' (Maine, 1861), from allocating rights to an exclusive elite, instead endowing them to all citizens regardless of their ascribed status at birth, such as race or gender. T.H. Marshall, perhaps citizenship's first cheerleader, championed 'social citizenship' as a corrective force to ensure a relatively equitable standard of living for all members of a polity (1977). Whereas the pre-Enlightenment global order largely relied on titles and family name to determine who governs the *subjects* of the state, the global order as mandated by liberal ideology recognises the entire polity as citizens, equal under the law. Encapsulated in the famous triptych *Liberté, égalité, fraternité*, individual freedom is idealised as the *raison d'être* of liberal politics. As such, governments can only be legitimate insofar as they equitably facilitate the realisation of individual freedom within their society.

Intertwined with the rise of citizenship, arose the modern sovereign state. State sovereignty refers to the right of the state to jurisdiction over its territory and the borders that surround it. The Westphalian state can be conceived simply as a *territorially bound* political community. The frontier of the state is claimed to be absolute out of necessity: to best protect the 'well-being of those who live in the territory, to preserve communities, and to strengthen the ability of the latter to assert themselves' (Walzer, 1983, p. 73). The state is both limited and empowered by its sovereignty: it cannot reach beyond its borders, yet has exclusive power within. As a limited community, its membership is not universally endowed, revealing the base assumption of state inclusion, that membership rights are a scarce resource (Shachar, 2009).

The state has the exclusive right to assign membership rights, which are alloted, under an assumption of scarcity, to those with a 'genuine tie' to the political community. Citizenship is typically assigned at birth. This occurs in one of two ways, through *jus soli*, right of the soil, or through *jus sanguinis*, right of the blood. The former refers to citizenship acquisition by means of having been born in the territory of the state, while the latter describes the passage of citizenship from a parent (or grandparent) to child. The

logic being, that through geographical or familiar ties to a state, one develops allegiance to that state, creating a basis for a genuine tie to, and thus genuine interest in, its collective wellbeing. In other words, one belongs to the state, because one composes its political community.

Beyond *jus soli* and *jus sanguinis*, there is a third broad method of citizenship acquisition, *jus nexi*, or citizenship through *connectedness* (Dzankic, 2014). Like hereditary forms of citizenship acquisition, *jus nexi* also necessitates a 'genuine link' to the political community, though this is now to be proven through a fulfilment of state mandated criteria. This depends upon a series of examinations to test the potential citizen's grasp of the state's (dominant) history, language, and culture. This is to prove the potential citizen's ability and willingness to integrate herself into the society of the state. In other words, for the migrant to assume status as a citizen, she must first create the basis for a genuine link to the *nation* of the state.

The requirement of a 'genuine link' for inclusion into the state is claimed to ensure corresponding interests and sentiments between all members of a political community. This term derives from the International Court of Justice's landmark ruling in the case *Liechtenstein v. Guatemala ("Re Nottebohm")* of 1955*,* defining nationality as:

> (...) a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiments, together with the existence of reciprocal rights and duties. ([Nottebohm Case (*Liechtenstein v. Guatemala*), 1955 I.C.J. 4 (6 April)]; Found in Carrera, 2014)

This case set a precedent for the legal entrenchment of *nationality* into the institution of citizenship. Within this logic, we can observe a tying together of social attachment, 'interests and sentiments' which compose nationality, with the 'rights and duties' granted by the state vis-à-vis the institution of citizenship. Then, the perpetuation of the national community is not only a latent premise in hereditary citizenship acquisition, but also of chief concern for citizenship acquired after birth. While citizenship is underpinned by the marriage of the 'nation' and the 'state,' the two are not conceptually identical, but have converged within citizenship to be tantamount synonymous.

While the state can swiftly be defined as a territorially bound political community, the nation is a notoriously difficult concept to define, and there is no accepted cross-disciplinary definition (Bauböck, 2006). According to Anderson (1991), nationality is born through mass individual self-identification with specific anthropological markers. These markers include, but are not limited to, the following: race, language, history,

religion, ethnicity, and/or culture. One's national identification begins with the construction of their personal narrative to emphasise certain traits, tendencies and/or markers. There is no one type of marker that is universally utilised in forming a nation, adding to the peculiarity of this phenomenon. As the nation forms through the individual's construction of *self* around particular features, Anderson asserts that the nation constitutes a sort of 'imagined community' comprised of individuals who choose to self-identify with one another. Nationality denotes membership to this conceived community, which is in turn formed both through the individual's sense of belonging to the group and widespread recognition of one's membership by other 'nationals.'

Today, states are observed to be more than mere administrative districts, but entities which seek to justify their existence though the bonding mechanisms of nationalism. As described by Torpey (2000), nation-states arose in 19th century Western Europe concomitantly with the institution of citizenship. Amongst many other structural changes far beyond the scope of this paper, the French Revolution succeeded in consolidating the various provinces under Parisian reign into the territorially bound state of the French Republic. Hobsbawm (2011) claims the rise the French national identity itself was dependent on the formation of a French state. Gradually, internal borders and travel restrictions eroded in favour of 'national' frontiers (Torpey, 2000) and international travel documents (ie. passports). Through the imposition of external borders severing the state's (and therefore *community's*) territory from the territory beyond, an internal identity was formed, in large part, through the contrast between *us*, the French nation, and *ours*, France, against *them* and *theirs*, ie. the nations/states that lay beyond. The subsequent standardization of the French language, for example, contributed to the reification of the French nation as a logically coherent entity.

Italy and Germany experienced likewise national harmonization with the imposition of a standardized language, historical narrative, and state (and in time, national) borders. This, despite severe historical and political strife between the northern and southern halves of both Italy and Germany. The fact that a mere 2,5% of those who lived in what is now 'Italy' spoke what would be 'standard Italian' at the time of unification, highlights its artificiality (Lewis, 2009). It is through such methods of deliberate cultural construction that the modern state forms a 'collective persona,' creating a justification for its own existence, while at the same time conceptually conflating the entities of 'nation' and 'state.'

Likewise, multicultural states, such as the United States (US) or the United Kingdom, have taken great strides in developing a national identity through the promotion of national values which the citizenry are supposed to assume. In the Western world, these values are claimed to reduce to those of classical liberalism, as outlined above. In such states, nationalism is predicated on a sort of 'constitutional patriotism' (Habermas, 1987), multicultural rather than unified ethno-historical experience (Mitchell, 2003; Máiz, 1999). This ethos has become the basis for European citizenship within the EU and the disbanding of internal borders within the Schengen area (Karamanidou, 2015). As such, migrant inclusion in the EU relies on the individual's personal harmonisation with 'liberal values' (Joppke, 2013) along with the cultural markers of the particular MS in which they wish to reside. The following chapter will expand upon this, elaborating on the liberal and neoliberal ideology built into EU nationalism.

Then, we can observe that the paradox of citizenship emerges at the collision of the principles of liberalism and state sovereignty, through the logic of nationalism. The interplay of these three items to form the modern 'citizen' has been thoroughly noted by scholars since the notion of 'citizen' has come into being. Indeed, at the core of classical liberalism relationship lies the debate between the relationship of nation and state. Any requisite of some degree of assumption of a particular identity contradicts liberal notions of universal inclusion (Joppke, 2008). However, as the next chapter will outline, the historicity of liberalism and the hegemonic rise of neoliberalism rectify this 'paradox of universalism' (*Ibidem*) shedding new light on the construction of the border regime.

CHAPTER II

LIBERALISM & NEOLIBERALISM: IDENTITY AND VALUES

The aforementioned discussion has illustrated the relationship between state inclusion at the highest level, citizenship, and nationalism. However, as rights in Western states are increasingly allotted to both citizens and residents (see: Bauböck, 2006; Soysal, 2012; Spiro, 2012), it is necessary to view this paradox outside of an antiquated citizen/non-citizen dichotomy. Rather, we must formulate a broader juxtaposition between the authorised (citizen, resident, authorised migrant) and the unauthorised individual, as to encapsulate all those non-citizens who are nevertheless granted inclusion into the state polity. Their inclusion is underpinned by an assumption or expression of the same 'shared values' which constitutes European nationalism. These 'values' are rooted in the tradition of liberalism, though these values have diminished in recent years alongside the hegemonic rise of neoliberalism. This chapter will first draw an outline of Europeanness, as deriving initially from liberalism in the context of colonialism, demonstrating that the identity of the EU is far from secular and universalistic. The 'market-based' nature of neoliberalism is similarly sanitized to present the economy as devoid of socio-political implications or meaning, the reassessment of which opens a discussion of neoliberalism as a source of values and identity.

CHRISTIANISM, LIBERALISM AND EUROPEAN IDENTITY

The concept of a discrete European identity was popularised during the early 19th century (Chebel d'Appollonia, 2002). Early champions of a united Europe, such as Rousseau and Voltaire, promoted cosmopolitanism and the liberalism of post-French Revolution Europe (source). European identity, under the value system promoted by these philosophies, consolidated in contrast to non-Europeans and civilizations outside of Europe, which in turn, were framed as unmodern and uncivilized (*Ibidem*). In the context of colonization, European identity was framed as 'superior,' as much for its material and territorial dominance, as for the supposed moral superiority of liberalism, then emerging on the continent (Parekh, 1994).

Amongst EU nationals, European project generates 'the clearest sense of [national] belonging only when it came into play as an out-grouping device against immigrants who are deemed non-Europeans' (Armbruster et al., 2010). Following the attacks on 9/11, Western identities have reasserted themselves in particular in contrast to

Islam, as a religion and a perceived ideology, and migrants from the Arab world (Baker-Beall, 2016). Particularly when they are migrants and/or undocumented, Arabs and Muslims form what Wadia (2015) terms a 'suspect community', whose innocence must be *proven* rather than assumed, framed to pose a potential risk of violence by virtue of their religious beliefs and/or cultural upbringing. This is most starkly observed in the rhetoric of far right, hypernationalist politicians, such as that of Dutch Geert Wilders, who contrast Europe, as a 'superior' cultural monolith, to the intolerant (i.e. 'barbarian') non-Western other (Wodak and Boukala, 2015). However, far from the exclusive view-point of far right parties, assertions of Western superiority can be observed in legal practices throughout the EU. In Germany, for example, nuns are permitted to veil themselves in the classroom as a matter of cultural practice, yet Muslim teachers are prohibited from wearing the veil as a violation of the seperation of church and state (Joppke, 2013).

It is under these pretenses that a 'threat-defense logic' (Elbe, 2006) is applied to prevent unwanted ('unsuitable') migrants from entering EU territory. This policy was first established in the Treaty of Amsterdam and the Tampere Conclusions (1999), which first enshrined the linkage between the goal of achieving an area of "Freedom, Security and Justice" within the EU on the one hand, and controlling migration and asylum policy, on the other (Desmond, 2016). The Hague Programme, which follows the Tampere Conclusions, establishing goals in the field of Justice and Home Affairs, has played a large role in raising the priority of tightening the EU's external migration regime (Bigo, Carrera, and Guild, 2008). The document opens:

> 'Over the past years the European Union has increased its role in securing police, customs and judicial cooperation and in developing a coordinated policy with regard to asylum, immigration and external border controls. This development will continue with the firmer establishment of a common area of freedom, security and justice by the Treaty' (Hague Programme, 2004).

From the onset, the EU defines itself as a 'common area of freedom, security and justice,' reifying 'liberal virtues' as at the core of its identity. Heightened control over 'asylum, immigration and external border controls' is claimed *necessary* to maintain these values (and therefore its identity) which may be threatened if left unchecked.

Narratives of migrant criminality, with the threat of terrorism being the most salient, most commonly underlie securitising discourse in the EU, and more broadly, in the West. However, as has been pointed out time and time again by scholars, 'evidence-based'

accounts of the migrant/crime nexus are unable to provide a firm basis for claims of havoc at the hands of excluded migrants (see: Baker-Beall, 2016; Hammerstad, 2011; Maguire, 2015; Sunstein, 2007). What remains in the absence of a concrete threat is the discourse of threat *potentiality* posed by the fundamental cultural incompatibility of select migrant communities, i.e. individuals from regions not grounded in the specific liberal tradition of Europe.

The supposedly secular values of liberalism are borne of 'Christian-Occidental' tradition (Joppke, 2013), and exclusionary practices towards Muslims betray the very principle of universality so crucial to the liberal identity of Europe. Though liberalism may propose equality for all mankind, its conceptualisations of freedom, justice, and even equality itself, derive from the particular tradition of Western thought. Brubaker (2017) claims European nationalism anchors itself in Christianity-as-culture, masking the particularity of its morality as 'distilled' from its religious origin, creating an illusion of neutrality and allowing for the perpetuation of a narrative of European, liberal superiority. Furthermore, he asserts this as a binding force between north Atlantic and pan-European 'nationalist' movements, reframing them, more aptly, as 'civilizationalist.'

However, the framing of non-Westerners as 'uncivilized' only prevents the entry of individuals of low socio-economic status. As the following chapter will elucidate, high net-worth migrants entering the EU through IIPs evade suspect framing altogether. Bypassing cultural concerns, these individuals gain inclusion to the EU by virtue of an 'exceptional financial contribution' (Shachar, 2011) to the state. The exception that is granted to these individuals demonstrates the rise of neoliberalism as an ideology, with its own set of logics and values.

In a framing similarly sanitized, EU citizenship renders itself necessary as a function of the common market. It is expressed to be grounded in market logic and ties, such as the free movement of people, transcending 'lower' forms of nationalism (Parker, 2016). However, not only is inclusion into the EU premised upon the submission to a particular set of 'secularized' values, but 'market logic' too constitutes more than a mere economic fact. Though presented as detached from the socio-political, economic markets depend upon and themselves create social realities. The following section will outline neoliberalism as a social phenomenon, detailing the values - and therefore society - that it promotes.

NEOLIBERALISM AND ITS VALUES

Though neoliberalism cannot be reduced to a single, coherent ideology, it can be understood as distinct from other strands of capitalism through its goals, not only to re-engineer the market, but also to reshape society to reflect the logic of the market it proposes, underpinned by unfettered financialisation (Fine and Saad-Filho, 2017). Financialisation refers to the 'liberation' of capital from any regulatory restraints – social, political, ethical or otherwise (Fraser, 2017). Dardot and Laval (2013) assert that what is truly *neo* about neoliberalism is the restructuring of the state to prioritise those social strata which best propagate and reproduce both financialisation and the moral ideology it espouses. Both the market and social ideology advanced by neoliberalism are rooted in notions of small government and radical individualism (often framed as individual freedom). However, at its very core, its dogma is contradictory (See: Harvey, 2007). For example, the claim that neoliberalism promotes small government does not reflect the reality of neoliberal states or markets.[2] Rather, neoliberalism mandates a restructuring of government priorities away from provisions that protect the working classes and towards those which protect the financial class (Fine and Saad-Filho, 2017).

Neoliberalism is highly malleable, able to adapt itself across space and time so as to perpetuate its own existence. Therefore, it is not adequate to view neoliberalism in either strictly economic, nor strictly political terms. After all, as famously asserted by Polanyi (1971), economic markets are always, and have always been political, as they must be devised and implemented by political actors in order to take root. The two intertwine in the incessant framing of all political issues vis-à-vis economic growth and security (Brown, 2015). Market-based framing is ubiquitous and, therefore, far-reaching. It can be observed, for example, in the reorientation of British and US universities to emphasise maximizing their student's individual economic capacity (over all other skills that could be developed in university) as to attract more state funding (*Ibidem*). Similarly, Mitchell (2003) details the shift in the primary educational systems in the US, UK and Canada to mold 'strategic cosmopolitans,' oriented towards multiculturalism for the sake of enterprise and greater emphasis on marketable subjects, such as science and math over the social sciences.

Given that neoliberalism's aims are both economic (rooted in financialisation) and social/political (crafting a population to reproduce it) in nature, neither purely economic

[2] The response to the global economic crisis exemplifies this: in the US, while ten million Americans lost their homes without significant government relief, billions of dollars were distributed to bail out banks (Fraser, 2017).

nor all-encompassing 'governmentality' (Foucault, 2016) frameworks can fully characterise it. Pure economic models are too narrow, completely overlooking its social aims, while models which focus exclusively on its social and political actions and consequences lack specificity, failing to tether neoliberalism to any set of concrete features. Wacquant's (2012) *via media* approach to theorising neoliberalism meets both schools halfway, allowing a framework to emerge to more accurately ascribe policy to the ideology.

Wacquant breaks down four 'institutional logics' as fundamentally characteristic of neoliberalism. Firstly, that market logic is extended to all areas of political and social life through commodification. Secondly, a disfavouring of social welfare granted as a matter of principle, as had existed during the Keynesian era. Instead, welfare is made contingent on subjecting oneself to the needs of the neoliberal market, including accepting 'flexible' or partial employment, and wages below the poverty line. This point also refers to a total reprioritization of work life over private life, including delaying childbirth and emphasizing corporate health over mental health: in other words, the prioritisation of the economic being over the human being. Thirdly, the development of a far-reaching penal system, designed to both reinforce the poverty/criminality nexus and to hide away from the public eye the poor masses left behind by neoliberalism. Finally, the 'trope of individual responsibility' shifts the blame for all of the above from the state or the market onto the individual. Thus, the failings and shortcomings of the neoliberal market are obscured by the widely diffused belief that the poor are not *unfortunate* but rather, poor in their character.

Though Wacquant teases these four logics from his study of the urban poor in the US and France, they can just as easily be transposed to describe the logic of the border regime. If the state is retooled under neoliberalism to reconstruct social relations, as Wacquant writes, to 'make the fiction of markets real and consequential,' (2012, p. 68) then it follows that such a restructuring, too, applies at its 'last bastion of sovereignty' (Dauvergne, 2008): the border.

Policies of neoliberalism produce a Centaurian state, and in our case, a *Centaurian border*, whereby liberal and *laissez-faire* policies are administered to the upper classes, while increasingly repressive and punitive measures marginalise those at the bottom (Wacquant, 2012). This is justified by the equating of wealth and merit. Conversely, poverty is attributed to unmeritorious behaviour (Dowling and Inda, 2013), and thus is liable to be punished by the penal wing of the state. The global poor are subjected to

structural vulnerability: their lives are neither stable in their home states, nor are they permitted to migrate to find stability elsewhere. Unauthorised migrants are 'punished for poverty' (Green, 2011), not only unprotected by the 'host' state, but their entire existence is reduced to criminality.

The political project of neoliberalism is realised through the punitive arm of the state: discipline is administered both to hide labour market rejects from the purview of society and to reinforce the trope of individual responsibility (Wacquant, 2012). Labour market rejects, the mentally ill, the urban and global poor, and the homeless, are disproportionately incarcerated (Wacquant, 2009). This is striking, in light of an overall drop in crime throughout the Western world (Fine and Saad-Filho, 2017). In the case of unauthorised migrants, the framing as human beings as 'illegals' justifies the policy of indiscriminate detention and deterrence exemplifying the third and fourth institutional logics. In the following two chapters, the comparison between both migration strategies shall highlight the first two theses, the commodification of life and the prioritisation of the economic being over the human being, while reinforcing the latter two.

Yet, the Europeanisation of the border regime (Gammeltoft-Hansen, 2011) has not only led to the prevention of entry of 'undesirable' groups, but also to facilitating the entry of certain 'desirable' individuals. Programmes such as the Europe 2020 strategy place attracting and facilitating the entry of highly skilled migrants as a top priority for sustaining the competitiveness of the EU in the long run (Seeberg, 2013). The development of the Blue Card programme, which grants highly skilled migrants and their families the possibility to move with ease into the EU (and granting them automatic permanent residency after five years) attests to this goal (Soysal, 2012). However, the most striking migration programme within the context of neoliberal in/exclusion, is the Immigrant Investor Programmes (IIPs). These programmes exchange membership rights in exchange for large investments into the state. Viewed as a 'significant contribution' to the state, high net-worth individuals who invest are granted fast-tracked inclusion, which often stipulate radically lax requirements from the migrant.

Europe's migration regime is therefore bifurcated, sharply preventing the arrival of poor migrants, while easing the migration process of those viewed as highly skilled, or even simply high net-worth. The influence of neoliberalism can be most starkly observed in the comparison of treatment of TNCs entering the EU as asylum seekers versus those buying inclusion via IIPs. Though these individuals may be from the same region, cultural concerns are ultimately overridden by the migrant's economic position. The next chapter

will highlight how this plays out in practice on the European level with respect to the asylum procedure and IIPs, concurrently serving to contextualise the case study.

CHAPTER III

ASYLUM PROCEDURE V. GOLDEN VISAS

Having now elaborated on the liberal and neoliberal underpinnings of migrant in/exclusion into the EU, this chapter will demonstrate how this plays out at the two polar ends of the socio-economic spectrum. The following is a broad overview of, first, the border regime which governs asylum seekers entering the EU without official authorisation. Today, asylum and unauthorised border-crossing are linked due to the lack of legal pathways for asylum seekers to enter into the EU (Collett, 2016). Therefore, although the two are not inextricably linked in theory, they are in practice. The framing as 'economic contribution' to the state does not necessarily equate with 'economic contribution' to the nation, as shall be explained. The emphasis on the economic 'benefits' given by these programmes de-emphasises their relation to criminality. These programmes demonstrate the usurping of neoliberal values along the border regime by prioritising economic potency over the cultural compatibility of migrants.

The insights drawn from examining these policies through an EU-wide lens are crucial in forming an understanding of the Greek case. The policy implemented at the EU level, encouraging detention and deterrence, and the overall lack of clear hierarchy with respect to the asylum procedure attest to the de-prioritisation of inclusion on humanitarian grounds. Unlike asylum, there have been relatively few top-down obstacles to the purchasing of residency or citizenship. These programmes tend to be straightforward, have little oversight, and do not necessitate the same due diligence measures as with the asylum procedure.

DETENTION AND DETERRENCE PRACTICES AT THE EU'S EXTERNAL BORDER

Unauthorised entry into the EU has greatly increased in the last decade, in large part due to the rapid influx of migrants and asylum seekers provoked after the 2011 uprisings throughout the Middle East and North Africa (MENA) (Seeberg, 2013). This has been compounded by sizable populations which have continued to arrive as a result of the wars in Eritrea, Somalia and Afghanistan, among others. In 2015 alone –the year of the so-called refugee crisis– over 1.2 million first time asylum requests were recorded across the EU, while over 850,000 sea arrivals were observed in Greece. Though a great many of

these individuals normatively qualify for asylum,[3] their framing as 'suspect' yields a policy of extreme vetting and, in some cases, allows for the suspension of human rights provisions while their asylum cases are being processed (Liempt and Sersli, 2012).

Detention has become the norm in treatment of unauthorised migrants who arrive to the EU. The Return Directive (RD) formalised the detention of irregular migrants until their date of deportation from the Union (Migreurop, 2016). Though this directive mandates that migrants only be detained if they prove a 'flight risk,' the interpretation of this clause is entirely at the discretion of the government of the MS invoking the directive. Often the irregularity of the migrant's presence is used as justification for invoking the RD. The RD is routinely applied to individuals immediately following their arrival to the EU, regardless of whether they wish to seek asylum, impeding their ability to lodge an asylum claim (*Ibidem*). Likewise, under the Asylum Procedures Directive (*Ibid.*), asylum applicants may be detained during the assessment of their asylum claim. While it is EU policy that legalises detention as a practice, it is the responsibility of each MS to determine the conditions and duration of detention (*Ibidem*). In practice, individuals can spend months in detention centres. As Desmond (2016) notes, under the RD, 'an individual who has been convicted of no criminal offence may be deprived of her liberty for up to 18 months where her return is hampered by lack of cooperation from her country of origin' (p. 252). This practice risks violating the fundamental rights granted to refugees afforded by Article 31 of the 1951 Convention relating to the Status of Refugees, which declares that states 'shall not impose penalties, on account of [refugees'] illegal entry or presence.' In other words, the state must yield their right to sovereignty to the 'higher' right to asylum. By penalising unauthorised border crossers with indiscriminate detention, the EU not only betrays international law, but its own identity, by favouring the state's right to sovereignty over the individual's human right of asylum (Guild, 2006).

Beyond detention, migrants are restricted entry through the 'pushing back' of the EU's borders to its external neighbours, such as Turkey and Libya. This is achieved through the partnership of surrounding states to assist the EU in preventing the entry attempts of unauthorised migrants into the Union. These have tended to take the form of bilateral agreements with a particular MS and its non-EU neighbour, an exception being the EU-Turkey deal, of less clear legal status, with the General Court ruling the deal

[3] On the island of Lesvos, the primary point of entry into the EU that year, over 56% of those arriving were of Syrian nationality, with another 32% coming from Afghanistan (UNCHR, 2015).

between the MS acting collectively –distinct from the EU– and Turkey (Rijpma, 2017). This makes the procedures devised in the deal for processing asylum claims and refugee resettlement fall outside of the scope of the Charter of Fundamental Rights of the European Union and, as such, is not accountable to it.

As such, the policy of externalisation is tantamount to a policy of deterrence (Kritzman-Amir and Spijkerboer, 2013), which risks breaching international law by violating the principle of *non-refoulement*. *Non-refoulement* refers to the principle that refugees may not be returned to a country in which they may face persecution or death. Externalisation agreements have been reached with neighbours Turkey and Libya, who have been well documented to detain and deport migrants without an asylum procedure (Gkliati, 2017; Trauner & Wolff, 2014).[4] Knowingly pushing-back migrants who wish to claim asylum renders the EU, too, in violation of this principle, by what is termed *indirect refoulement* (Kritzman-Amir and Spijkerboer, 2013). Put bluntly, the prevention of individuals from crossing state borders in search of asylum precludes such individuals from a fair examination of their asylum case, which thereby 'renders the right to asylum meaningless' (*Ibid.*, p. 25).

Despite this, externalisation policy is framed as humanitarian, anchoring its existence in 'preventing migrant deaths at sea' and combating human smuggling (Rijpma, 2017). Such a narrative can be found, for example, in the very wording of the EU-Turkey Statement (2016), which is presented as aiming to 'break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk'(European Council, 2016). The humanitarian argument can be rejected, not only because the externalised border regime violates the principle of *non-refoulement*, at the same time upending the legitimacy of the right to asylum, but because externalisation may in fact cause the journey into Europe to be *more* lethal.[5] By increasing surveillance and military presence along traditional migration routes, a 'funnel effect' is created, whereby migrants are forced to take other, longer and more dangerous routes into the EU (Mandić, 2017). The result of the policy has been a lower number of individuals attempting to cross by sea, but a higher percentage of deaths from those who do attempt the journey.[6]

[4] This is especially true of Libya, who is not a signatory to the Geneva convention.
[5] It may also *increase* human smuggling and lead to the blurring between smuggling and trafficking. See: Mandić, 2017.
[6] According to IOM (2018), while arrivals to Italy dropped by 80% between 2017 and 2018, the recorded number of deaths at sea in 2018, at 1306 people, doubled compared to the previous year.

Obscuring the ethical and legal concerns at the border is the absence of a clear hierarchy. The division of responsibilities for enforcing the EU's external border policy is often unclear, involving a range of actors including those from EU agencies, such as the European Asylum Support Office (EASO) and the European Border and Coast Guard Agency (FRONTEX); external actors from international organisations, such as the International Organization for Migration (IOM) and the United Nations High Commission for Refugees (UNCHR); and the authorities of the EU's external neighbours (Rijpma, 2017). Overlapping competences and the involvement of non-EU state actors makes it challenging to hold *any* party accountable when international law is breached.

Policies and practices such as these contribute to the creation of what has been coined as 'fortress Europe' (Euskirchen, Lebuhn & Ray, 2007), restricting the entry of unauthorised migrants at all costs, even if this means violating the fundamental principles of liberalism. If the Universal Declaration of Human Rights is taken to be the epitome of liberal doctrine, then a willing breach of one of its elementary principles, the right to seek asylum (Article 14), denotes a decisively illiberal act. As Lazaridis and Wadia observe (2015, p. 2), 'the lowest place in [the] hierarchy of power is reserved for the informal migrants, excluded from human rights enjoyed by all other groups integrated into majority society.'

As has been established in the second chapter, the motives for their exclusion are both racialised and moralised following the socio-political and philosophical traditions and historicity of liberal Europe *and* rooted in a neoliberal framing of inferiority linked to their global socio-economic position. This latter point shall be elucidated in the following discussion of IIPs, which overlook cultural and security concerns by way of financial investment.

INCLUSION-BY-INVESTMENT

Although inclusion via traditional forms of citizenship and residency acquisition is rooted in a logic of cultural cohesion, a third and increasingly popular form of state inclusion de-emphasises and, in many cases, entirely foregoes this requirement. IIPs allow wealthy prospective migrants to purchase, depending on the state's particular programme, either residency or citizenship for a premium, granting them a fast-tracked pass to move across borders. Such programmes are at odds with the logic of inclusion outlined in the first chapter and further problematise a reading of the EU as a region rooted in the principles

of liberalism, as classically understood. However, taken together with an understanding of the exclusionary practices of the EU discussed above, the rise of IIPs indicate a shifting understanding of liberalism within the Union to denote, rather, *neo*liberalism.

IIPs began to appear just over 30 years ago, in 1984. The first programme began not in Europe or the West, but rather in the small Caribbean nation of Saint Kitt and Nevis. The purpose was to attract additional cash flow to the island, by offering its citizenship to wealthy individuals looking to use its banks as meaning of sheltering their funds (Boatcă, 2017). Quickly, such programmes began to appear, not only throughout the Caribbean, but also throughout the Western world. IIPs established in Australia, the US and the European Union require higher investment than their Caribbean counterparts, as these programmes not only offer shelters for investor funds, but also the rights and privileges attached to inclusion in these states. The motives for acquiring citizenship in the EU are plentiful: a straightforward route to naturalisation, EU residence, education opportunities for applicant's families, greater visa free travel globally, tax advantages, or an 'insurance policy' or back up plan in case of instability in the applicants home countries, among other things (Parker, 2016).

What Parker (*Ibidem*) terms the 'commercialisation of citizenship' intensified in the West in the wake of the 2008 Economic Crisis. Exactly how many IIPs have been issued globally is unknown, as the transparency of these programmes differ from state to state. However, in the states where their issuance is publicly recorded, their growing impact is undeniable. The US saw a nearly threefold rise in investor visas granted between 2011 and 2014, granting 3,463 investor visas in the former year and 10,000, reaching its annual limit for the first time, in the latter (Hirson and Partners LLP, 2015). Today, more than half the MS of the OECD effectively sell citizenship or residency (Cooley and Sharman, 2019), and 22 of the 28 MS of the EU enact their own such schemes.

The specific programmes of IIPs in the EU differ between states in their cost, obligations and privileges. Most European IIPs sell residence with a pathway to citizenship, however, citizenship can be bought outright in select MS, such as Malta or Austria. Payment methods for IIPs also vary between states. Some programmes require a minimum direct 'donation' to the government, others require the purchasing of certain stocks or bonds from the state, while others take payment in the form of real estate purchase or rental. Most programmes take payment in the form of one or two of these methods – or a mixture of all three, as is true of the Maltese programme (Henley &

Partners, 2019c). Other programmes have less clearly defined criteria, such as the Austrian programme, which grants European citizenship wholly at the discretion of the Government of Austria (Boatcă, 2017). The total cost varies significantly between states, with the Maltese citizenship programme costing around €900,000 per single applicant, while the Greek programme grants residency through the purchase of €250,000 worth in real estate. Similarly, the time frame from payment to residency/citizenship varies, ranging from permanent residency visas taking up to 40 days for issuance (Henley & Partners, 2019a) to full naturalisation after approximately one year (*Ibidem*, 2019b). Though all programmes offer a pathway to citizenship, some require standard naturalisation requirements to be fulfilled, while for others, these requirements are waived completely.

Thus, an exception is made for the traditional demands for the migrant to demonstrate a 'cultural link' to the state's national community. Termed *jus pecuniae* or 'right of the purse' (Dzankic, 2014) in regard to citizenship acquisition, this third strand grants inclusion on the basis of *financial contribution* to the state. This is the crux of the argument justifying IIPs: that they contribute to the state and the nation contained therein, by boosting cash inflow and thereby assisting the state in meeting its economic targets (Xu et al., 2015). IIPs are categorized within the state's power of discretionary naturalisation, and the development of IIPs are precedented upon inclusion *par* exceptional 'contribution to the nation,' examples of which include Olympic gold medalists and Nobel laureates, who are likewise granted nationality due to their contribution to the nation's culture, sporting or scientific prowess or economic success (Dzankic, 2014).

However, the categorization of wealthy financiers alongside such individuals is not without controversy. The chief concern being that a one-off contribution to the state creates a transactional relationship with the state and its nation, while standing in contrast to an individual who has achieved exceptional success in collaboration with the state and its nationals (Tanasoca, 2016). This friction can be best observed in public discourse during the January 2014 debates on the Maltese Investor Citizenship scheme in the European Parliament. Initially, Maltese citizenship had been priced at €650,000, to be paid directly to the Government of Malta. When the scheme was debated in parliament, the ruling of the Nottebohm Case was echoed: it was argued that citizenship should only be awarded to individuals demonstrating a 'genuine link' to the nation (Parker, 2016).

The IIP was repriced at €1.15 million, by donation, stock and real estate purchase, now requiring 12 months of legal residence in the state.

The occurrence of the case itself speaks to the ethical dilemma it poses, given that citizenship endowment is an exclusive competence of the individual Member States (Carrera, 2014) and therefore, such a case has no clear legal precedent to be debated in European Parliament (Maas, 2016). However, the motives for the Parliament's interest in the case are clear: at what price can EU citizenship (by way of Maltese citizenship) be sold, and what are the implications of such a transaction?

At the heart of these questions are the implications of commercialising inclusion. IIPs allow for elites to bypass otherwise mandatory inclusion requirements relating to forging a link with the community of the state, in a commercialised exchange for the benefits and rights that the 'host' country has to offer. Given the hereditary nature of inclusion transference, the 'commercialisation of sovereignty,' as Palan (2002) terms it, creates a tie between inclusion and social class, not only for the buyer, but for the generations that follow them (Bauböck, 2014). Tanasoca (2016) parallels IIPs with the medieval practice of buying nobilities, which ensured the wealthy buyer, and their family thereafter, of a say in the political happenings of the kingdom. Dzankic (2014) takes the analogy further: by assessing political rights as linked to territoriality, as a unit of wealth, she parallels hereditary citizenship transference and concludes that the institution constitutes a continuation of feudal and colonial systems of social stratification.

The link between citizenship and/or territorial inclusion, on the one hand, to socio-economic status, on the other, underscores such claims. Korzeniewicz and Moran (2009) claim that since the rise of the nation-state in the 19th century one's state of inclusion has been the 'main criterion' for determining their role in the global social hierarchy. They support this by demonstrating how, even without legal permission, an individual from low income states can more effectively raise her global income status by migrating to higher income states than by receiving more training or further education in their home countries. Giving the example of Bolivian nationals migrating to Argentina, this holds even when the host state is only marginally higher in its average income level on the global stage. This is to suggest a general cap on the level of wealth that an individual can obtain within their 'home' state. Dubbing this 'the coloniality of citizenship,' Boatcă echoes the conclusions of Tanasoca and Dzankic: that citizenship and state in/exclusionary practices merely represent the contemporary evolution of feudal and

colonial forms of oppression, rather than presenting a new and humanitarian world system.

As such, IIPs do not *create* inequality in the system of state inclusion, but rather embolden and exacerbate those inequalities that had always existed. IIPs merely reflect an 'encroachment of market logic' into citizenship itself (Parker, 2016). While the investor becomes a shopper for low regulation and taxation through citizenship and residency (Palan, 2002), the global poor are indiscriminately blocked from reaching the West, regardless of individual human rights claims. Taken together, these policies act as 'optimizing technologies' (Ong, 2007) which serve to sift out 'productive' migrant populations from 'unproductive' ones, determining the migrants' fate in accordance with the market-rooted values of neoliberalism. Not only do IIPs commodify citizenship, but within the context of the EU's unauthorised migration regime, they represent the prioritisation of the economic over all other aspects of human life. Furthermore, the framing of these programmes as beneficial for the nation of the state, and of investors as extraordinary contributors to the state, precludes a criminal framing of the programmes, for which there is significant precedent.

IIPS & STATE-SPONSORED CRIMINALITY

Unlike unauthorised migration, IIP elude criminalized framing, despite their link, since their inception, to money laundering and the global kleptocracy. Cooley and Sharman (2019) claim IIPs to be a lynchpin of transnational corruption, alongside banks, shell companies, and the purchasing of foreign real estate. IIPs provide a channel for kleptocrats to safely transfer embezzled funds to 'host' states in the West. As detailed by the authors:

> '[I]n the period 1993–2008 between 16,000 and 18,000 Chinese officials fled the country with $123 billion in state assets. The leading destination countries for the senior cadres were the United States, Canada, and Australia, countries that lack extradition treaties with the PRC.30 In April 2015, China's Central Commission for Discipline Inspection publicly released a list of one hundred most-wanted economic fugitives accused of economic crimes including money laundering, bribery, and embezzlement, of whom 66 were believed to be residing in the United States and Canada…countries that lack extradition treaties with the PRC' (p. 736).

When scandals result from criminal activity linked to IIPs, the programmes escape backlash relatively unscathed. Visa restrictions to Canada on citizens of St. Kitts and

Nevis were temporarily imposed following a corruption scandal (Xu et al., 2015). Corruption scandals in Portugal and the UK (Parker, 2016) related to their IIPs led to a temporary suspension of the scheme in the former, and the introduction of a background check in the latter, as prior to 2015, investor visas were granted in the UK without any background check of the applicant's criminal record (Cooley and Sharman, 2019).

IIPs are promoted as beneficial to the national economy, by stimulating investment, creating jobs and, especially in the south of Europe after 2008, helping to relieve public debt (Xu et al., 2015). However, a recent study commissioned by the European Parliament cautions that the 'spill over effects attributed to them [IIPs], including their impact on tax revenues and job creation, are uncertain' (Scherrer & Thirion, 2018, p. 4). The report cites tax evasion by investors and the upward ratcheting of housing prices in urban zones as among the economic threats posed by IIPs. Indeed, many of these programmes offer special tax regimes to investors, resulting in an undermining of due diligence procedures, and enabling investors to shelter their taxes. At the time the report was published, over half of EU MS were now under investigation by the Commission for failing to properly implement the Anti-Money Laundering Directive (AML).[7] In regard to access to affordable housing, the effect of IIPs has already been felt in Lisbon, where property bought by investors has led to the 'pricing out' of natives from the city (*Ibidem*).

However, it is not only in matters of tax and finance that officials turn a blind eye on investors. IIP purchasers are not privy to the same due diligence measures as their counterparts who have entered the EU without authorisation. 'Golden visa' migrants are not pressured to prove their identity before purchase, and many IIPs around the world even forgo altogether a background check on investors' criminal history. A document entitled 'Breaking the Chains' (2017) on the webpage of one such consultancy firm presents a report aimed at assisting immigration lawyers find a second citizenship or state of residency for their clients 'carrying heavy past criminal sentences.' Only excerpts from this text have been accessed, as the report costs $2,450 to obtain. However the text in the preview is revealing. The report lists at least two dozen states where IIPs can be purchased

[7] In the words of Věra Jourová, EU Commissioner for Justice: 'Money laundered in one country can and often will support crime in another country. This is why we require that all Member States take the necessary steps to fight money laundering, and thereby also dry up criminal and terrorist funds. We will continue to follow implementation of these EU rules by Member States very closely and as a matter of priority' (European Commission, 2018).

without a background check or provision of police record. They advise that the investor contract a law firm which 'hold[s] strong ties with the government' to better their chances of investing a quantity that would qualify as an 'exceptional contribution'.

These heavy criminal sentences may not only refer to crimes related to the global kleptocracy. Several IIPs, and investors purchasing them, have been linked to global terrorist networks over the years. Citizenship programmes in Granada, Belize and Nauru were suspended under international pressure following the attacks on 9/11 (Xu et al., 2015). The Nauru programme, in particular, had been linked to members of the Turkestan Liberation Organization and Al-Qaeda. The programme was discontinued via executive order in 2003, following pressure from the US government (Tajick, 2019). Even more suspect was the case of Saudi Sheikh Khalid bin Mahfouz, along with eight relatives and three Pakistani men, who secretly obtained Irish Citizenship by investment in 1990 (The Irish Times, 1997). Bin Mahfouz was the founder of Saudi Arabia's only private bank, the National Commercial Bank (NCB), and a major stakeholder in the international conglomerate, the Bank of Credit and Commerce International. Both organisations have been accused of money laundering, bribery, supporting terrorism –specifically as a front to Al-Qaeda– and arms trafficking, amongst other crimes (Vardi, 2002). Under his leadership, the NCB has been indicted by the grand jury of the state of New York of fraud and has been tied by others directly to funding Al-Qaeda.

Given the lack of publicly available data on IIPs, the role of the growing sector that is emerging for 'residence and citizenship planning' is equally as disconcerting (Scherrer & Thirion, 2018). Firms, such as Henley & Partners and Stephane Tajick Consulting, listed above, work directly with all actors involved in the IIP chain: investors, lawyers, and governments. And their role in government is not insignificant. Henley & Partners was granted a concession contract by the Maltese government to design the scheme and its implementation and to promote it internationally (Henley & Partners, 2019b). Bukh Global Partners is an 'accredited partner' of Cyprus' citizenship by investment programme and designs and operates the pilot programme for Serbia's new investor citizenship programme (Bukh, 2019). Given the overall lack of public data on the programmes, there is a concern that these private firms hold the most complete knowledge on the workings of these programmes, and the role of all actors involved. Taken together, IIPs and the industry which surrounds them warrant further academic investigation.

CHAPTER IV
THE CASE OF GREECE

In recent years, Greece has taken over a large share of responsibility in the asylum regime of the EU. However, the country suffers severe deficiencies with respect to the asylum procedure and treatment of asylum seekers. This section will outline the recent history of the Greek state as it relates to the states' migration regime, including its historical relationship to asylum, the recent economic crisis and conflict in neighbouring states. Having established the background for today's context, the following section will detail policies and praxis towards asylum today.

Greece has historically been a country of emigration, rather than immigration. Therefore, the state's asylum system has only been devised in recent decades. It was only in the late 1990s that Greece became a country of net immigration (McDonough and Tsourdi, 2012). However, due to the Europeanisation of the asylum procedure which occurred throughout the early 2000s (see: Gammeltoft-Hansen, 2011), Greece quickly became one of the largest actors in regard to asylum on an EU level.

Deficiencies in the asylum procedure and the reception and living conditions for asylum seekers during the asylum process have plagued the Greek asylum regime for decades. Throughout the early 2000s, Greece contended for one of the lowest asylum recognition rates in Europe, in some years, with rates below 1% (Mantanika, 2014). This, despite a vast majority of irregular migrants and asylum seekers entering the EU via Greece. By 2010, 90% of all individuals irregularly arriving to the EU did so through Greece – yet Greece had ten times more asylum seekers than they had place to receive them (McDonough and Tsourdi, 2012).

Beyond the lack of resources allocated to the asylum procedure, outright human rights abuses have been well documented throughout the decade (Jiménez, 2008). Asylum seekers were observed to live in squalor, without housing allocated for them or prospects of obtaining refugee status due to low recognition rates, forced to take shelter in abandoned buildings or in olive groves outside of urban areas (McDonough and Tsourdi, 2012). One report from 2007 found the Greek government guilty of *refoulement* of refugees, through deterrence tactics by the Greek coast guard aimed at damaging, intimidating, and, ultimately, turning back dinghies en route to Greece from Turkey (Giannopoulou and Gill, 2019).

Pre-existing deficiencies were only exacerbated in the wake of the global economic crisis, which ravaged the Greek economy. As described by Leventi and Matsaganis (2014, p 394), 'so deep and drawn out a recession simply has no precedent in the economic history of any advanced economy in peacetime.' By 2012, nearly one in ten people in Greece were living in extreme poverty (*Ibidem*). This has resulted in high tensions between refugee and native populations, which continue to this day, with many Greeks accusing asylum seekers of receiving better treatment than poor Greeks receive(d) following the crisis (Giannopoulou and Gill, 2019).

However, it is not just the Greek state which is responsible for the situation of asylum seekers there. A host of EU level policies embedded in the Common European Asylum System (CEAS) contributes to the dysfunctionality of the Greek asylum system (see: Craig and Zwaan, 2019). The implementation of the Return Directive (RD), for example, sanctioned longer detention periods than had previously existed in many MS' legal codes, leading to the extension of the maximum detention period of irregular migrants in Greece from three to 12 months (Desmond, 2016).

The Dublin Regulation has been particularly detrimental to the situation of asylum seekers in Greece. Dublin assigns responsibility for processing asylum claims in the EU, mandating that, except for under special circumstances such as family reunification, the first country through which an asylum seeker enters into the EU is responsible for processing their claim (McDonough and Tsourdi, 2012). However, due to a lack of safe legal channels, asylum seekers who enter the EU do so overland or by sea, and therefore, the Dublin Regulation leads to a disproportionate number of asylum applications launched in southern MS (Clayton, 2011). Given migratory patterns which route asylum seekers through Greece, as well as the state's recent economic upheaval, the Dublin Regulation places additional strain on a system which has already been known to fail.

In 2011, the application of the Dublin Regulation to return asylum seekers to Greece came under public scrutiny following the case of *M.S.S v. Belgium and Greece*. M.S.S, an Afghan asylum seeker, was returned from Belgium to Greece after having been found to have entered the EU there, despite his protests that his asylum claim would not be adequately examined. After being returned to Greece, he was detained in an overcrowded centre without proper access to sanitary facilities or outside spaces, he was beaten by police and was forced to sleep on the floor (Clayton, 2011). Once released, he was improperly informed of the asylum procedure by way of incomplete translation from

Greek to Dari, resulting in his living clandestinely, homeless and in destitution (*Ibid*). The European Court of Human Rights found the states in violation of Articles 3 and 13 of the European Convention on Human Rights (ECPHRFF, 1950). Later that year, the Court of Justice of the European Union confirmed that a MS could not, in good faith, take for granted that Greece would protect the asylum applicant's fundamental rights (McDonough and Tsourdi, 2012). Attempts to relieve the Greek asylum system by amending the Dublin Regulation were introduced by the European Commission in 2008, but the movement was not adopted (*Ibidem*.). Despite this and continued deficiencies in the Greek asylum system, the European Commission ruled that Dublin returns to Greece would be resumed, beginning in March 2017 (Konstantinou & Georgopoulou, 2018).

The situation of asylum seekers in Greece has only been exacerbated by conflict and wars in the MENA region, notably the war in Syria, and the continued arrival of asylum seekers from the wars in Iraq and Afghanistan, culminating in the so-called European Refugee Crisis. In 2015, a record number of approximately 1.2 million first time asylum applications were lodged in the EU, Syrians representing one third of applicants. Approximately 11 thousand of those applications were lodged in Greece (Eurostat report, 2016), however, hundreds of thousands of individuals entered the EU through Greece on their way to other MS (Guild et al., 2015). Mounting pressure within the EU during the so-called 'refugee crisis' to limit migration, on the one hand, and prevent deaths at sea, on the other, led to a hasty change in asylum policy.

POST EU-TURKEY DEAL GREECE

The EU-Turkey deal came into effect on March 20, 2016 (European Council, 2016). As of that date, all so-called 'irregular migrants' arriving on the Greek islands were to be returned to Turkey, to have their asylum claims processed there. It created a one-for-one system by which, for every Syrian asylum seeker returned, another would be resettled in the EU (Collett, 2016). In exchange, Turkey was to receive a total of 6 billion euros to support asylum seekers in the state. However, the one-for-one system failed to resettle any significant number of refugees, as the assumption that Turkey is a 'safe third country' for refugees cannot be substantiated for a majority of cases (*Ibidem*). Regardless of the deal's implementation in this respect, the agreement created a separate 'border procedure' to orchestrate returns, whereby all new arrivals were to be geographically restricted to the islands while their claims were processed (Human Rights Watch, 2017). Moreover, it

serves its purpose as a deterrent for individuals attempting to cross into the EU, with high return rates being an indicator of success.[8]

A comprehensive report authored by Alpes et al. (2017) details the many problematics of this deal's implementation. The goal of the deal being rejection and deterrence, EASO and GAS process asylum requests by prioritising cases of individuals of nationalities with low recognition rates. Individuals from such states, such as Algerians or Pakistanis, are detained upon arrival and placed in pre-removal centres. In the months following the deal, it was also reported that many such individuals were deported before being given a chance to apply for asylum in the first place.[9] While detained, many asylum seekers are not informed of their rights (for example, for legal aid), as the Greek police often do not speak English and the UNHCR is not permitted to enter particular cells. This not only breaks both Greek and EU law (Legal Centre Lesvos, 2019), but leads to even lower recognition rates among targeted nationalities.

The procedure, however, has not been much better for nationals of states with high recognition rates. Syrians in particular are first subjected to 'admissibility procedures' based on the principle that Turkey may be a safe third country for them. Put another way, before GAS and EASO assess their asylum eligibility within Europe, they test if Turkey could be a safe third country for them. During this process, lasting several months, Syrians remain in a state of limbo, uninformed of whether or not they will be allowed to remain in Greece.

Designing the deal to prioritise rejection and return has led to an undermining of the right to asylum in several other ways. The deal recommends to limit appeal to first-instance asylum decisions, framing procedural safeguards as 'bureaucratic hurdles that get in the way of efficient returns' (*Ibidem*, p. 3). Furthermore, by stripping away free movement to the mainland, the islands have become essentially large detention centers for asylum seekers. Given low return rates and continued arrivals, a backlog of cases continues to grow larger on the islands, forcing asylum seekers to wait there in bureaucratic limbo in evermore crowded conditions.

[8] This is implicitly indicated by measuring 'success' of the deal by decrease in arrivals - overall around 97% since 2016 (European Commission, 2019).
[9] Low recognition rates among select nationalities lead to their living in Greece clandestinely without ever launching an asylum claim, leading to an uptick in forced labour and human trafficking (see: Amnesty International, 2018).

As a result of the deal and the resumed application of Dublin returns to Greece, the situation of asylum seekers there has rapidly deteriorated. As of 2018, the Aegean islands closest to Turkey –Samos, Chios, Kos, Leros and Lesvos– have ballooned, hosting three times as many asylum seekers as their official capacity (Legal Centre Lesvos, 2018).

The reception centres, the camps, are likewise overcrowded. In Moria camp, Lesvos, there are nearly 9,000 individuals placed in a camp designed with a maximum capacity of 3,100 (*Ibidem*). These individuals lack access to basic healthcare, safe drinking water, or adequate sanitation facilities, and adequate protection for highly vulnerable individuals is severely lacking (*Ibid*). Unable to fit more people into the camp, 2,000 individuals live outside Moria in the surrounding olive groves, in their own makeshift tents (UNHCR, 2018). In the winter, exposure to the cold creates its own lethality: In January of 2018, three men died in Moria in the same week from carbon monoxide poisoning from the fumes of fire inside their tent to warm themselves at night (Amnesty International, 2018). In a camp in Samos, human waste is not properly managed, resulting in frequent leakages into living quarters, and rats and snakes have infested the camps, thriving on uncollected garbage (UNHCR, 2018). Like in Moria camp, lack of adequate housing for highly vulnerable people has resulted in children, pregnant women, torture victims and individuals with disabilities living in these conditions (*Ibidem).*

The appalling conditions in the camps pressures asylum seekers to return to their country of origin, despite the risks that they may be imprisoned, tortured or killed upon arrival (Alpes et al., 2017). Individuals who choose ‘voluntary return’ are imprisoned for weeks or even months before they are returned to their country of origin. This despite the fact that these returns are officially voluntary, and that detention should only be legally reserved as a measure of last resort (*Ibidem*).

The situation on the islands risks breaching both EU and international law. The living conditions on the islands risk violating the Reception Conditions Directive, not only because basic living conditions are not met in most of the camps, but also because detention is the norm and not the method of last resort (*Directive 2013/33/EU*, 2013). Furthermore, Indefinite geographical restriction to the islands may constitute a violation of the Freedom of Movement as granted by the Universal Declaration of Human Rights.

Access to the asylum procedure is a chronic problem in Greece, for those reasons detailed above but also due to the lack of one uniform procedure: There are at least five tracks in place today (Gill and Good, 2019). Since 2016, the method for accessing the asylum procedure differs between the mainland and the islands and amongst the islands themselves (Konstantinou & Georgopoulou, 2018). In addition to sorting via nationality and a lack of access to legal counsel in detention, other huddles include the requirement for pre-applications before 'full registration' for the asylum procedure and/or the requirement to make an appointment via Skype with the relevant authorities to submit an asylum application. Furthermore, the addition of steep fees for decision appeals 'price out' rejected asylum seekers from a reassessment of their case (Alpes et al., 2017).[10]

The procedure is drawn out for months, sometimes years. In 2018, the average wait time between the applicant's initial expression of intent to seek asylum and the issuance of a first decision was 8,5 months (Konstantinou & Georgopoulou, 2018, p. 43). However, some interviews are scheduled 2 or more years after the initial expression of intent to seek asylum (*Ibidem,* p. 44).

Lack of communication and a clear hierarchy between administrative bodies and restraints on the observational capacities of international organisations such as the UNHCR contribute to continued abuses of asylum seekers' human rights (Alpes et al., 2017). The Hellenistic Police, GAS, EASO, UNHCR, IOM, and FRONTEX are all present in the camps on the islands (Konstantinou & Georgopoulou, 2018). These actors have been documented to act outside their mandate with impunity.[11] FRONTEX, for example, have no mandate or training to partake in the asylum procedure. However, FRONTEX screens for the nationality of asylum seekers intercepted at sea, and in practice, their nationality decision determines the treatment the asylum seeker will receive in Greece (Konstantinou & Georgopoulou, 2018). Greece's land border with Turkey receives even less scrutiny; Along the border near Evros, the Greek police repeatedly detain and deport migrants back, often through the use of violence, to Turkey without allowing them to claim asylum (*Ibidem*).

[10] The third appeal now costs approximately 800€.
[11] Hardly a recent practice, Frontex has been conducting interviews without the presence of a lawyer or the appropriate actors for years (McDonough and Tsourdi, 2012).

The Greek programme is now the most popular Residency by Investment programme in the world (Stephane Tajick Consulting, 2019). While the Greek programme does not consistently rank among the top price-to-rights ratio, it is among the cheapest programmes in the EU (Scherrer & Thirion, 2018). As of June 2019, 12,666 Investor Residency Permits (to investors and their families) had already been issued, ellipsing the number of visas issued in all of 2018 (Enterprise Greece, 2019b). Over half of those visas have been issued to Chinese nationals (7,862), with Turks (1,113) and Russians (1,042) in the second and third spots. The largest nationalities trailing are Lebanon (373), Iraq (359), Egypt (307), Iran (267), Jordan (203) and Syria (201) (*Ibid*.).

The programme has been undergoing a continual process of liberalisation for the past couple of years. In October 2018, then Alternate Minister of Economy and Development, Stergios Pitsiorlas, stated that expanding the 'golden visa' programme was the top priority for his department (AMNA, 2018). For example, as of June 2019, the procedure has been decentralised to reduce long queues for visa requests. The programme previously stipulated that applications be lodged in the municipality where property was purchased, leading to a backlog of applications in the Greater Athens metropolitan area (Nesheim, 2019). At the time of writing, rumours of an upcoming, bonafide citizenship-by-investment programme have been circulating (Philenews, 2019).

The procedure for the Greek IIP is outlined by Enterprise Greece, an official agency of the Greek State under the guidance of the Ministry of Foreign Affairs, in cooperation with the Ministry of Economy and Development and the Ministry of Migration Policy, in a 24-page document readily available on their website. The document is available in English, Greek, 'Chinese', Russian, and Arabic. The process is relatively straightforward. A permanent residency permit, which must be renewed every five years, is issued to a real estate investor whose property value exceeds €250,000 (Enterprise Greece, 2019a). The type of property purchased can vary: the property could be a hotel, an estate, a combination of properties with a sum value of €250,000, or an empty lot onto which a building of the aforementioned value is erected (*Ibidem*). The residency permit can be renewed indefinitely, as long as the property continues to be owned by the investor (*Ibid*.). If one day the investor sells the property to another TCN, the seller's residence permit is revoked, while, simultaneously, the buyer is granted the right to a residence permit.

Requisites, aside from proof of property purchase, for the issuance of the residency permit are as follows: two copies of the application document, four colour passport photos, a certified copy of the investors passport, a fee of €2,000 (plus €150 for every additional family member except for children under 18, who are exempt), a second fee of €16, proof of private medical insurance (*Ibid*.). The application has a maximum processing time of two months. Family members (of the investor and/or the investor's spouse) eligible for residency along with the investor under the IIP are: spouses, parents, and unmarried children under 21 years of age.

Actual residency in the state is optional. Listed as 'one of the major advantages enjoyed by holders of permanent investor residence permit' (p. 13), there is no requirement for the investor to spend any amount of time in Greece after initial entry. Investors may be eligible for Greek nationality, following the normal naturalisation conditions of the Greek Citizenship Code. Family members may also become eligible after long-term residence status is acquired (Enterprise Greece, 2019a).

The document does not mention any proof of criminal record as a requisite for obtaining the permit. It does state that the 'tarnishing' of the investors criminal records leads to a revoking of their residency permit. However, the enforcement of this clause is uncertain. The EU Commission has already indicated that Greece has failed to properly enforce the AML directive, referring to the state to European Court of Justice early in 2018 (Scherrer & Thirion, 2018). This raises doubts on the effectiveness of due diligence measures taken to prevent transnational money laundering through their IIP.

ANALYSIS

The stark contrast between these two migratory strands in Greece highlights the restructuring of its border regime within the framework of neoliberalism. For asylum seekers entering the state clandestinely, the procedure is riddled with complexities and misconduct which severely impairs, not only their access to state protection, but, critically, access to their most basic human needs. At the same time, the Greek IIP has been undergoing a continual process of liberalisation, easing access to the state for wealthy investors. The following analysis elucidates these contrasting policies and praxis within the framework previously discussed.

There is a wide gap between the comprehensibility of the two procedures. While the Greek IIP is obtained through a singular procedure for all applicants, there are at least

five tracks for the asylum procedure in Greece. These tracks are dependent on both the nationality of the applicant and the point of entry into Greece. However, no such distinctions are made for purchasers of the Greek IIP: In the wake of recent decentralisation measures, applications are now processed throughout the state, regardless of where the investor's property is located.

In fact, this particular policy responds directly to growing wait times for potential 'Golden visa' purchasers, reaffirming the state's commitment to honour the stated maximum two-month processing time. At the same time, a backlog of asylum cases continues to mount in the islands, leading not only to the drawing out of the asylum procedure, but to the deteriorating conditions for asylum seekers detained there. Provisions to fulfil asylum seekers' most fundamental human needs, including access to clean water, proper sanitation facilities, and healthcare are scarce. Individuals remain in such a condition for months, or even years, sometimes merely awaiting their first instance asylum interview.

The obstacles facing asylum seekers in Greece are exacerbated by a lack of available information about the procedure. This can be attributed to a lack of available translations into the applicant's native tongue, but also a deficiency in substantially providing asylum seekers with any information at all about their legal rights. In contrast, documents detailing the procedure are readily available in Arabic, English, "Chinese," and Russian (Enterprise Greece, 2019a).

The framing of these migrant groups is diametrically opposed. While asylum seekers are treated as 'suspects,' subjected to securitising practices of detention and deterrence, investor immigrants are granted fast-tracked inclusion with scant emphasis on due diligence measures, even though a large percentage of investor migrants are of the same native nationality as asylum seekers. No requirement for a police record from the migrant's home country is listed, neither in the document detailing the Greek IIP, nor on the webpage of Enterprise Greece. Though it is mentioned in the document that a criminal conviction should lead to a revocation of the Greek visa, Greece's track-record for enforcing the AML raises doubts of the state's capacity to effectively monitor their IIP. This contrast in policy is particularly revealing, given the problematics in empirically linking asylum seekers to criminality alongside the direly under-researched, yet demonstrable link between IIPs and transnational crime – money laundering and, ironically, terrorism, being the most salient.

Within this juxtaposition, all features of Wacquant's neoliberal framework can be observed at play. Although the situation of asylum seekers in Greece constitutes a humanitarian crisis, priority is still given, in policy and in treatment, to high net-worth migrants purchasing state inclusion as a commodity. Together this exemplifies, not only the first logic of unbridled commodification (in this instance of residency and therefore rights), but of the second logic of prioritising the economic-being over the human being. Furthermore, the fourth logic is at play in the framing of wealth as an extraordinary personal achievement. The economic status of the individual is seen as a virtue – in turn, implying the opposite to be true. The third logic of a 'expansive and pornographic penal policy' (2012, p. 72) which not only reinforces the narrative of criminality-*cum*-poverty, but also serves to hide the masses of the poor left behind by neoliberalism, is characteristic of detention and deterrence practices. Most alarmingly, the policies which fulfil this purpose have been crafted and condoned at an EU level.

The EU-Turkey deal prevents the global poor from entering the EU, hiding the global poor from the European public gaze. Acting as a deterrent, asylum seekers are actively prevented from entering Greece and thereby accessing the asylum procedure of the EU. Then, by creating a separate borders procedure which condemns asylum seekers to the Greek islands, both the asylum seekers there and the conditions in which they live are stranded at the very margins of the EU.

CONCLUSION

The comparison between Greece's Golden Visa programme and the Greek asylum procedure in the context of neoliberalism offers a new understanding of the in/exclusion 'paradox' of the liberal state. Far from paradoxical, the policies and praxis of the EU's external migration regime adhere to the logic of neoliberalism, having usurped liberalism as the dominant ideology.

The 'paradox of liberal states,' and in this case the EU, is created by a state of evermore universal *inclusion* inside its borders, while those who are born beyond those borders find inclusion into such states increasingly insurmountable. Practices of detention and deterrence, even of the most vulnerable individuals, attests to the exclusionary and discriminatory practices on the frontier. However, such barriers to in-migration dissipate when mediated by money, establishing the grounds on which to assess neoliberalism as the driving force behind determining who is 'in' and who is 'out.'

The *modus operandi* of the new regime is magnified in the Greek case. Due to its geopolitical positioning, neighbouring Turkey but within the EU, and the recent economic crisis, it receives significant in-migration from both forced migrants – refugees – and investor migrants. While the migration process is increasingly liberalised for the latter group, it is increasingly desperate for the former. At the core, the situation of asylum seekers in Greece is hindered, not helped, by EU policy. The EU proposes to 'solve' the crisis by pushing it to the other side of the border or when this is not possible, by confining it to the Greek islands nearest the border, out of the purview of the EU citizenry.

This 'out of sight, out of mind' approach to refugees shelters the EU from the disenfranchised masses which lay beyond her borders. As Wacquant describes, neoliberalism not only propagates a regime which punishes the poor, but shapes society to accept and embrace it. The result: a great many lives clustered around the border zones condemned to carry on in destitution, abandoned by their home state and abandoned by the ones that had once declared they would protect them.

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