

ASYLUM SYSTEM IN PANAMA

January - May 2023¹

KEY INDICATORS

178

Cases submitted for **asylum** as of May 2023

2,609

Refugees as of May 2023

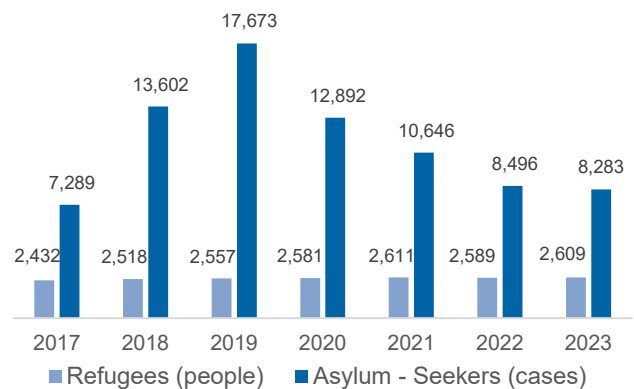
391

Decisions rendered in 2023, including 252 not admitted to the procedure and 128 closed.

Two cases were admitted by ONPAR (Venezuela and Ukraine) and **17 people** were recognized as refugees (six from Ukraine, two from Cuba, and one from Venezuela, Nicaragua, and Nigeria).

The National Commission for the Protection of Refugees (CONARE) applied the **cessation clause** to a former Colombian refugee.

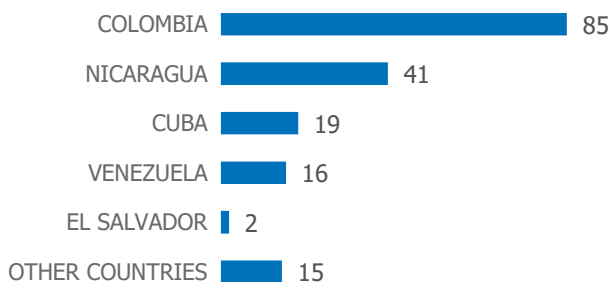
REFUGEES* AND ASYLUM-SEEKERS**



As of May 2023

ASYLUM APPLICATIONS 2023

Countries of Origin



A Nigerian asylum-seeker and his family fled their home country in search of safety. They travelled to Tokyo, Istanbul, and Caracas before crossing the Darien Jungle, where they faced many dangers along the way. Once they reached Panama, they sought asylum: "I feel safe here. Now I want my children to go to school, get a quality education, and live a good life."

¹ Figures reported in this factsheet reflect the data available from ONPAR as of May 2023.

* Refugees include persons recognized under the 1951 Convention, the 1984 Cartagena Declaration, and those granted other forms of complementary and temporary protection.

** Asylum-seekers are individuals who have sought international protection and whose claims for refugee status have not yet been determined.

Legal Framework

Panama adhered to the 1951 Convention and the 1967 Protocol on the Status of Refugees in 1978. The definition of refugees in Panamanian law is similar to that of the 1951 Convention¹. Panama went further to include persecution on the grounds of gender, gender violence, domestic and family violence, female genital mutilation, punishments for not obeying moral values and customs, as well as discrimination against lesbians, gay, bisexual, trans, and intersex persons (LGBTQI+) as forms of persecution that could justify the recognition of refugee status in Panama.



Refugee Status Determination (RSD) Process

In Panama, refugee status decisions are taken by the National Commission for the Protection of Refugees (CONARE), composed of various institutions of the Panamanian state.

Asylum applications are filed with the National Office for the Attention of Refugees (ONPAR in its Spanish acronym) in Panama City alone. Once registered, the principal applicant receives an asylum-seeker certificate with a photograph and a QR code. ONPAR then schedules and conducts individual eligibility interviews with the applicants and their accompanying family members. Afterward, each case is evaluated by ONPAR officials, who may request further follow-up through additional interviews to clarify the information. ONPAR then determines if the application is admitted into the procedure or inadmissible. **As of 2022, the average processing time from registration to the admissibility decision was 3.5 years.**

If the application is admitted, the National Migration Service (SNM) grants the asylum-seeker and accompanying family members provisional identification documents for six months, renewable for two years. If the application is declared inadmissible by ONPAR or otherwise **rejected**, the applicant can file a motion for reconsideration addressed to ONPAR within five business days following notification of the resolution. The Norwegian Refugee Council (NRC) assists the applicant with legal advocacy/representation for the submission of the recourse letter.

Admitted cases are evaluated by CONARE, which decides whether to grant refugee status. In 2022, CONARE recognized eight cases, denied one, and sent one to ONPAR for clarification. Most cases reviewed by CONARE are recognized as refugees. **The main challenge is at the admissibility phase by ONPAR.** In 2021, only four cases got admitted at this phase. In 2022, the number increased to eleven, representing less than one per cent of those who applied for that year. In 2023, only two cases got admitted as of May.

If the applicant is **recognized as a refugee**, the SNM grants documentation valid for one year, which allows them to process a work permit valid for the same period.

CONARE's decisions, once notified, are subject to two legal remedies; one is an appeal for reconsideration to the CONARE, and the other is an appeal to the superior body, the Minister of Interior. Legal recourse must be presented within five business days following the notification of the decision. **The decision on the appeal exhausts the administrative procedure.** Asylum-seekers can then submit an extraordinary resource to the Administrative-Contentious Division of the Supreme Court of Justice to evaluate the decision's legality. If the Supreme Court considers the decision illegal, it will return the case to CONARE for reevaluation. No records of remedies have been filed against CONARE decisions or appeals to the Supreme Court of Justice since the implementation of the 2018 Executive Decree No. 5.

Reasons for Claiming Protection

Applications filed in Panama mainly relate to persons persecuted for political opinions, such as demonstrators or participants who expressed support for the protests in Nicaragua and Venezuela, including students, teachers, and public servants. Political leaders of opposition parties, including elected officials and social leaders who express their critical opinions of the government, are also among those applying for asylum. Some individuals belonging to specific social groups, such as human rights defenders, social activists, community representatives, and journalists who publish or speak out against a government institution, are also included. Rural community members in North Central American countries, including those identified as government opponents and LGBTQI+, are profiled.

UNHCR has observed protection gaps and needs among those in transit through Darien. In May 2023 alone, UNHCR's monthly protection monitoring exercise² showcased that **three out of ten** of those interviewed left their country of origin due to threats or attacks directed against them or their families, and around **30 per cent** fled due to fear of violence and general insecurity.

¹ Executive Decree No. 5, 2018 (Decreto Ejecutivo No. 5, 2018), article 5. Available at: https://www.gacetaoficial.gob.pa/pdfTemp/28447_A/65685.pdf

² Available at: <https://data.unhcr.org/en/documents/details/100745>

Challenges and Gaps in Refugee Protection

- Despite progress made under the current legal framework (Decree no. 5), local legislation does not include the expanded definition of a refugee in the Cartagena Declaration³ and eliminated the temporary humanitarian permits (**Executive Decree No. 23 of 10 February 1998**).
 - National legislation establishes a maximum period of six months to file an asylum application counting from the arrival date in the country, which limits the rights to access the procedure. The only exception is the supervening situations that could be the basis for *sur place* recognition.
 - The process for manifestly unfounded claims lacks clarity and sufficient procedural guarantees. The admissibility phase is referred to as ONPAR, which decides on the substance of claims.
 - The Executive Decree does not ensure basic safeguards, contributing to the backlog of asylum claims and leaving asylum-seekers without adequate access to social assistance. UNHCR continues to advocate for an effective manifestly unfounded process with minimum procedural guarantees.
 - The refugee status determination process and obtention of work permits for those admitted to the procedure can take up to several years, and asylum-seekers may be exploited and limited access to basic rights.
 - ONPAR receives asylum claims by scheduling appointments via email. However, asylum-seekers complain about the length of time to obtain an appointment, and many indicate that they do not receive a response from ONPAR.
 - There is a need for an adequate registration system and disaggregated statistical information. Additionally, while waiting for recognition, only the principal applicant receives documentation, not the rest of the family group.
 - UNHCR continues to advocate for and is available to assist with technical and logistic support to improve the registration system. On documentation, UNHCR has provided ONPAR with equipment and resources to document asylum-seekers and refugees.
 - The asylum-seeker certificate includes the photograph of the applicant and a QR code given by ONPAR but is not consistently recognized by the National Police and by health and education authorities. The certificate contains the main claimant's information, placing the rest of the family members at risk as they do not have individual identification.
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- © UNHCR/ Liam Wilburne
- According to the SNM, **248,284** people crossed through Darien during 2022⁴. As of 31 July 2023, **251,758** people entered irregularly through the jungle⁵, reaching three times the number of those who arrived during the same period in 2022 and surpassing the highest recorded figure of irregular entries in Panama's history. Authorities estimate that by the end of 2023, some **400,000** people will have crossed through Darien.
 - As of July 2023, through regular monitoring exercises and presence at the Temporary Migratory Reception Centres (ETRM in its Spanish acronym), as well as in transit and host communities, UNHCR, together with partner Norwegian Refugee Council (NRC), provided information on the asylum system in Panama to 2,902 persons and assisted 96 people with their refugee status application⁶.
 - Despite UNHCR's specialized staff in community-based protection, shelter, field, and communication with communities, ONPAR's presence is needed in the region to strengthen access to the asylum procedure, as well as enhance the provision of information to timely grant international protection to those who seek it.
 - UNHCR proposes adopting accelerated procedures, case closure strategies, and a plan to reduce the backlog as alternatives to preserve the integrity of the asylum system in line with international standards.

Regularization Processes and Complementary Protection Solutions

In July, the Ministry of Public Security released Executive Decree No. 112, which created a temporary residency status called "Temporary Protection Permit." The permit is available to all foreigners who entered Panama irregularly and have stayed in the country for at least one year without starting a regularization procedure. The procedure will be available until 19 July 2024. However, it only grants temporary residency for a period of two years.