

ASYLUM SYSTEM IN PANAMA

August 2022

KEY INDICATORS

542

Cases submitted for **asylum** in 2021

517

Cases submitted for **asylum** between January and August 2022.

2,611

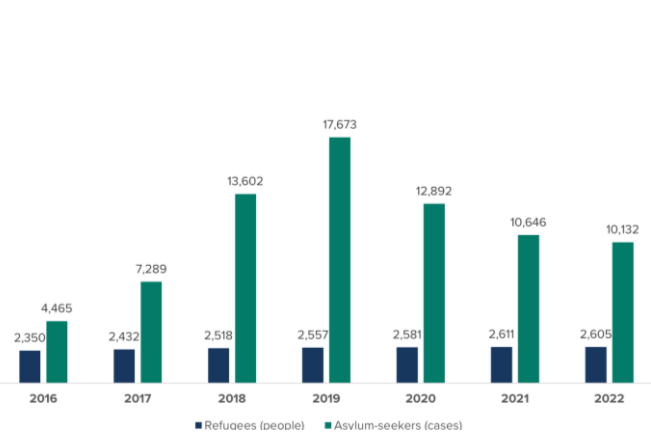
Refugees in 2021

1,002

Decisions rendered between January and August 2022, including 488 rejected and 508 otherwise closed.

Only **two** cases were admitted by ONPAR (Nicaragua and Ecuador) and **six** were recognized as refugees (five from Ukraine and one from Nicaragua)

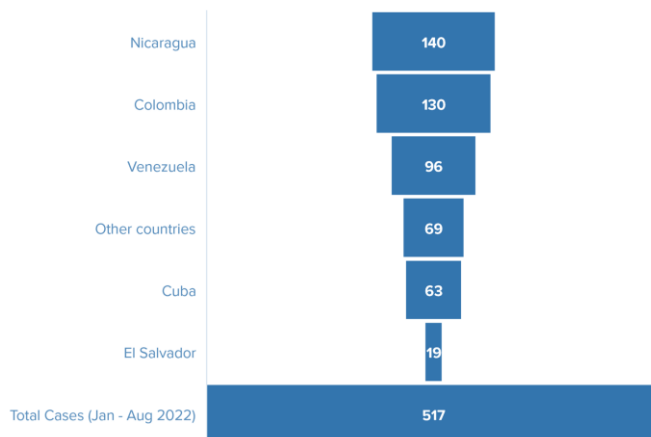
REFUGEES* AND ASYLUM SEEKERS**



† Between January and August 2022

ASYLUM APPLICATIONS 2022 (JAN-AUG)

Countries of Origin



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Like many other forcibly displaced people, Maria and her family sought refuge in Panama.

* 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 (LGBTIQ+) as forms of persecution that could justify the recognition of the refugee status in Panama.



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Refugee Status Determination (RSD) Process

In Panama, refugee status decisions are taken by the National Commission for the Protection of Refugees (CONARE in its Spanish acronym), 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 claimant receives an asylum-seeker certificate, with the photograph of the claimant and a QR code. ONPAR schedules and conducts eligibility interviews with the claimants and accompanying family members individually. Afterward, the files are evaluated by ONPAR officials, during which ONPAR may request further follow-up through additional interviews, to clarify any point or information. ONPAR then determines if the application is admitted into the procedure or inadmissible. 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.

Admitted cases are then evaluated by CONARE, which decides whether to grant refugee status.

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

If the application is declared inadmissible by the ONPAR, or otherwise **rejected**, the applicant can file a 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.

CONARE's decisions, once notified, are subject to two legal recourses; one is an appeal for reconsideration to the CONARE and the other is an appeal to the superior body, the Minister of Government. Both legal recourses must be presented within five business days following notification of the resolution. The decision on the appeal exhausts the government route. Applicants can submit a further appeal to the Third Administrative-Contentious Chamber of the Panama Supreme Court of Justice addressed to the CONARE. There are no records of recourses 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

The applications filed in Panama are mainly related to persons persecuted for their political opinions, such as demonstrators or participants who expressed support for the protests in Nicaragua and Venezuela, including students, teachers, and public employees. Also, political leaders of opposition parties, including elected officials, and social leaders express their often-critical opinions of the government. 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. In countries in the North of Central America, rural community members, including, those identified as opponents of the government as well as LGBTI persons, are some of the profiles.

Challenges and Gaps in Refugee Protection

- While acknowledging the progress made in the current normative framework (Decree no. 5), the local legislation is yet to include the expanded definition of a refugee contained in the Cartagena Declaration² and eliminates temporary humanitarian permits.

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 Includes among refugees, persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order. Available at: https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf

- National legislation has established a maximum period of **six months to file an asylum application** counting from the arrival date in the country, which limits the rights of people to access the procedure. The only exception contemplated to the 6-month time limit to apply, are the supervening situations that could be the basis for *sur place* recognition.
- On the other hand, the current process for manifestly unfounded claims lacks clarity and sufficient procedural guarantees. The admissibility phase is referred to ONPAR, which decides on the substance of claims. The Executive Decree does not ensure basic safeguards, which has contributed to the existing backlog of asylum claims³. The backlog leaves asylum-seekers in precarious circumstances without the right to work and without social assistance.
- UNHCR continues to advocate for a more effective manifestly unfounded process, including 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 subjected to exploitation and limited access to basic rights.
- The length of the asylum procedure, the lack of a work permit, and the dependency on limited humanitarian assistance explain the heightened vulnerable conditions of asylum seekers in Panama.
- ONPAR receives asylum claims by scheduling appointments via email. However, asylum seekers complain about the length of time in obtaining an appointment, and many indicate that they do not receive a response from ONPAR.
- In the absence of an adequate registration system, duly disaggregated statistical information is unavailable. Additionally, while waiting for their recognition only the principal applicant receives documentation but not the rest of the family group.
- UNHCR continues to advocate for and is available to assist with technical and logistic support for the improvement of the registration system. On the specific issue of documentation, UNHCR has provided ONPAR with equipment and resources to issue and document asylum-seekers and refugees.
- The asylum seeker certificate, which includes the photograph of the claimant and a QR code given by ONPAR is not always recognized by the National Police and by health and education authorities. This certificate contains only the main claimant's information, placing the rest of the accompanying family members at risk as they do not have individualized identification.
- As a result of the COVID-19 pandemic, refugees and asylum-seekers continue to face exacerbated risks and increased vulnerabilities, mainly due to the loss of opportunities to generate an income. Daily subsistence and rent have become a challenge.
- According to the SNM, 102,067 persons crossed the Darien between January and August 2022⁴. UNHCR has identified people in need of international protection in the Darien mixed movements⁵. In 2022, through regular monitoring exercises and presence at the Migratory Reception Centres (ERM 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 350 persons and assisted five persons with their refugee status application. ONPAR's presence is needed in this region to enhance access to and provision of information on the asylum system and to timely grant international protection to those who seek it.



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Regularization Processes and/or Complementary Protection Solutions

None.

³ <https://www.mingob.gob.pa/estadisticas-de-onpar-2/>

⁴ https://www.migracion.gob.pa/images/img2022/PDF/IRREGULARES_POR_DARIEN_AGOSTO_2022.pdf

⁵ <https://reporting.unhcr.org/document/3226>