

ASYLUM SYSTEM IN PANAMA

February 2023¹

KEY INDICATORS

703

Cases submitted for **asylum** in 2022

2,589

Refugees in 2022

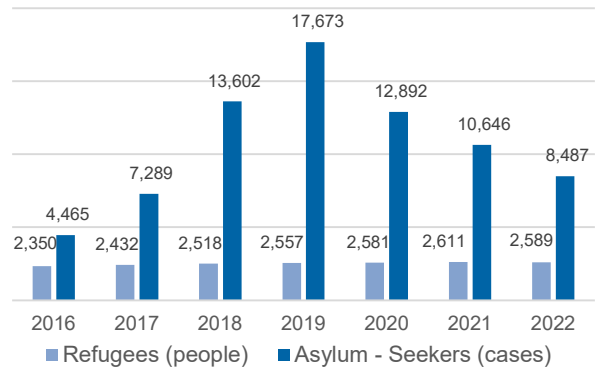
2,864

Decisions rendered in 2022, including 957 not admitted to the procedure and 1,899 otherwise closed.

In 2022, only **eleven** cases were admitted by ONPAR (Nicaragua, Ecuador, Ukraine and Cuba) and **13 people** were recognized as refugees (nine from Ukraine and four from Nicaragua).

A total of **22 former refugees** (13 cases) had the cessation clauses applied to them by the National Commission for the Protection of Refugees (CONARE).

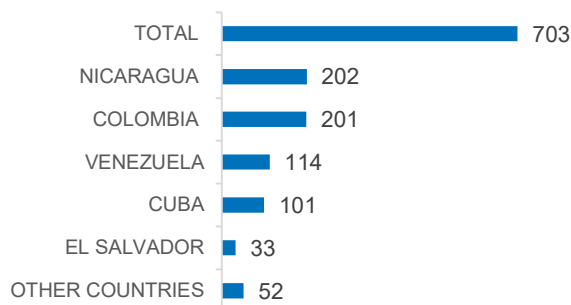
REFUGEES* AND ASYLUM SEEKERS**



† Between January and December 2022

ASYLUM APPLICATIONS 2022

Countries of Origin



Together with her mum and sister, this young girl from Nicaragua sought refuge in Panama where they are now trying to rebuild their life selling food and bread.

¹ Figures reported in this factsheet reflect the data available from ONPAR as of December 2022

* 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 (LGBTI+) 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 eligibility interviews with the applicants and their accompanying family members individually. Afterwards, 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. **To date, the average processing time from registration to the admissibility decision could last up to 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. Although in 2022 the number increased to eleven, this still represents less than one per cent of those who applied for that year.

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. Either 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 legality of the decision. If the Supreme Court considers that the decision is illegal, it will return the case to CONARE for reevaluation. There are no records of remedies 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 are mainly related 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. In North Central American countries, rural community members, including, those identified as opponents of the government as well as LGBTI+, are profiled.

In the last semester of 2022, UNHCR identified a rising number of individuals in transit through Darien expressing fear of returning to their countries of origin. In October alone, UNHCR's monthly protection monitoring exercise² showcased that 47 per cent of those

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/es/documents/details/96920>

interviewed left their country of origin due to personal or family threats, as well as generalized violence, reflecting a change in the trends.

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 contained 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 ONPAR, which decides on the substance of claims.
- The Executive Decree does not ensure basic safeguards, contributing to the existing backlog of asylum claims, and leaving asylum seekers without effective 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 subjected to exploitation and limited access to basic rights.
- 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.
- There is a need for an adequate registration system and disaggregated statistical information. Additionally, while waiting for 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 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, which includes the photograph of the applicant 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 family members at risk as they do not have individual identification.



- According to the SNM, 248,284 people crossed through Darien during 2022⁴. As of 28 February 2023, 49,291 people entered irregularly through the jungle, reaching five times the number of those who arrived during the same period in 2022. Authorities estimate that by the end of 2023, some 400,000 people will have crossed through Darien.
- In 2022, 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 1,381 persons and assisted 63 people with their refugee status application⁵.
- Despite UNHCR's Field Unit in Darien and specialized staff in community-based protection, shelter, 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.
- Lack of regularization pathways to respond to mixed movements, might encourage some individuals to apply for asylum without meeting requirements. 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

None.