

# ASYLUM SYSTEM IN PANAMA

January - November 2023<sup>1</sup>

## KEY INDICATORS

178

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

2,696

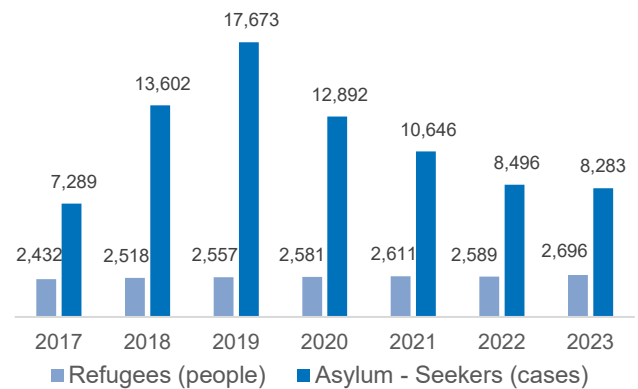
**Refugees** as of November 2023

In November, the National Commission for the Protection of Refugees (**CONARE**) granted refugee status to **30 people**.

As of November 2023, the CONARE has recognized a total of **110 refugees**, thanks to UNHCR's advocacy efforts. It has also held **seven sessions**, more than the legal requirement per year established in **Executive Decree No. 5 of 2018**.

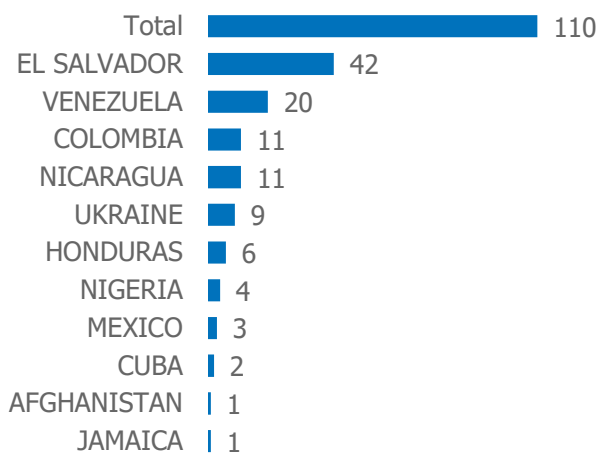
This year, the CONARE has reviewed nearly **60 asylum cases**, 40 of which were filed in 2023.

## REFUGEES\* AND ASYLUM-SEEKERS\*\*



## RECOGNIZED REFUGEES IN 2023

### Countries of Origin



In 2016, Marisol left Venezuela in search of protection. She built a new home in Panama, and together with her husband, they found inspiration in cooking to support their family. For them, it is a way to connect with their traditions. "Cachapas are our homeland, they evoke home. We cook them with our family and for friends. Now, we do it with Panamanian products because we feel that this is our home too. It is a way to return our love for this land."

<sup>1</sup> Figures reported in this factsheet reflect the data available from ONPAR as of May 2023, and CONARE as of November 2023.

\* Refugees include persons recognized under the 1951 Convention, the 1984 Cartagena Declaration, and those granted other forms of complementary and temporary protection. Data available as of October 2023.

\*\* Asylum-seekers are individuals who have sought international protection and whose claims for refugee status have not yet been determined. Data available from ONPAR (total of cases) as of May 2023.

## Legal Framework

Panama adhered to the 1951 Convention and the 1967 Protocol on the Status of Refugees in 1977. The definition of refugee in the Panamanian law is similar to that of the 1951 Convention<sup>1</sup>. The country 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 LGBTQI+ people, as forms of persecution.



## Refugee Status Determination (RSD) Process

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

Asylum applications are filed with the National Office for the Attention of Refugees (ONPAR) in Panama City. 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 May 2023, the average processing time from registration to the admissibility decision was 3.2 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. Most cases reviewed by CONARE are recognized as refugees. In 2022, CONARE recognized eight cases, denied one, and sent one to ONPAR for clarification. This year, the Commission recognized an unprecedented number of 110 refugees. **The main challenge is at the admissibility phase by ONPAR.** In 2021, only four cases were admitted at this phase. In 2022, the number increased to eleven, representing 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. 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 November 2023 alone, UNHCR's monthly protection monitoring exercise<sup>2</sup> showcased that **one out of ten** of those interviewed left their country of origin due to threats or attacks directed against them or their families, and around **80 per cent** fled due to fear of violence and general insecurity.

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

<sup>2</sup> Available at: <https://data.unhcr.org/en/documents/details/105265>

## Challenges and Gaps in Refugee Protection

- Despite progress made under the current legal framework (Decree no. 5), local legislation does not include the expanded refugee definition of the Cartagena Declaration<sup>3</sup>.
- 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. 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 fundamental rights.
- ONPAR receives asylum claims by scheduling appointments via email. Some asylum-seekers have complained about the length of time it takes to obtain an appointment. Nevertheless, UNHCR is advocating to address this matter.
- 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 applicant's photograph and a QR code given by ONPAR. Still, it is not consistently recognized by the National Police and 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.
- According to the SNM, some 500,000 people have crossed the Darien jungle so far in 2023<sup>4</sup>, surpassing the Government's initial estimates. This is nearly the equivalent to the last 12 years combined and double 2022's record number of people registered.



- As of November 2023, through regular monitoring exercises and presence at the Temporary Migratory Reception Centres (ETRM), 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 over 14,200 persons and assisted over 100 people with their refugee status application<sup>5</sup>.
- 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 March 2023, the Government updated its Labour regulations, including work permits for foreign nationals under Panama's protection. Decree No. 4 of 2 March<sup>6</sup> confirmed the previously approved work permits for refugees and asylum-seekers admitted to the procedure. It also included new permits targeting victims of human trafficking, diplomatic asylum-seekers, stateless persons, and others temporarily staying in the country for humanitarian reasons.

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, and grants residency for two years.

UNHCR has expanded its field presence in border areas with additional staff and infrastructure. It has also set up and activated protection desks within the ETRMs premises. Thanks to UNHCR's advocacy efforts, authorities have also installed an ONPAR office in Darien to strengthen its presence.

<sup>3</sup> Includes 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](https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf)

<sup>4</sup> [https://www.migracion.gob.pa/images/img2023/pdf/TR%C3%81NSITO\\_IRREGULAR\\_POR\\_DARI%C3%89N.pdf](https://www.migracion.gob.pa/images/img2023/pdf/TR%C3%81NSITO_IRREGULAR_POR_DARI%C3%89N.pdf) <sup>5</sup> The number of people assisted with their status application refers only to assistance provided at border points.

<sup>6</sup> [https://www.gacetoficial.gob.pa/pdf/Temp/29736\\_B/97150.pdf](https://www.gacetoficial.gob.pa/pdf/Temp/29736_B/97150.pdf)