



PANAMA'S ROLE IN REGIONAL MIGRATION MANAGEMENT

MARCH 2022

INTRODUCTION

In December 2021, the Center for Democracy in the Americas (CDA) undertook a 10-day mission to the Republic of Panama, the geographical bottleneck and harbinger of migratory movements heading north to the United States and, to a lesser degree, to Canada. CDA sought to understand how Panama is contending with the challenges arising from the increasing number of people arriving in and through Panama. CDA also sought to explore the impact of U.S. policy on them at every stage of their journey, with a view to promoting a more compassionate, informed, and effective set of U.S. policies in the Americas.

CDA's primary research objectives were to:

- (i) understand the country's border management practices;
- (ii) evaluate humanitarian need and protection mechanisms for refugees and migrants; and
- (iii) explore legal stay options and opportunities for strengthening Panama's asylum and migratory system.

CDA met with dozens of stakeholders representing the government of Panama (GOP), United Nations (UN), international non-governmental organizations (NGOs), civil society, and refugees and migrants themselves at every stage of the migratory route in the country, including the Darién Gap, Panama City, and Chiriquí province (bordering Costa Rica).

The transit of refugees and migrants from the Caribbean, Asia, and Africa does not only represent a significant challenge for Panama; it is a region-wide challenge. Panama, as a key piece of the puzzle, needs to be at the center of a regional migration accord that re-considers a framework of shared responsibility in North America and beyond, which includes a more regional and effective approach to migration management, one that mitigates, manages, and ensures orderly migration, while safeguarding those with protection needs.¹ CDA found that in order to achieve this, Panama will need a redoubling of support to face the current humanitarian challenge, and to create the conditions necessary to welcome and integrate refugees and migrants. This brief shares CDA's key findings and recommendations.

(1) To learn more about this approach, see the CDA Blueprint for Managing Regional Migration, which puts forward a sequenced four-year strategy to create new, better, and expanded options for would-be migrants, migrants, asylum seekers, and refugees, while aligning development, protection, and migration management initiatives along the Mesoamerican migratory chain to those ends. Center for Democracy in the Americas. January 2021.
<https://static1.squarespace.com/static/5e3d7cf054f8264efecd72ef/t/6070728b9b9b6f30538b9648/1617982092810/Final+Public+Blueprint+with+Cover+Page.pdf>



PREAMBLE

At the time of writing, the Bajo Chiquito community in the Darién Province was the primary point of initial reception of refugees and migrants, as described below. By late February 2022, after the initial publication of this brief, a significant change in migratory patterns had occurred. New routes through "Canaán Membrillo", in the Darién Province, and "Jaqué", along the Pacific Coast of the Darién Province, became the preferred routes. This shift is due to a variety of factors including the attempt to avoid criminal behavior and acts of violence along the route that led to Bajo Chiquito. Some humanitarian actors, therefore, have reduced or stopped their interventions in the Bajo Chiquito community, to focus their time and resources in the new areas of arrival.

The humanitarian needs described in this brief, however, largely remain the same, as does the need for more technical capacity and coordination amongst humanitarian actors. Additionally, perpetrators of violent crime have already shifted their operations to the new migratory routes.

CDA will continue to monitor the situation and changes to routes and needs. Please contact CDA for verbal updates.

BACKGROUND

Some 140,000² entered Panama via the Isthmus of Darién in 2021. Put in context, a total of 102,351 entered through the Darién over the 2013-2020 time period. Migration flows during that time period represented, for the most part, a mix of Africans, Asians, Middle Easterners, Cubans, and most recently, Venezuelans. But the patterns of migration have also changed: Haitians (primarily residing in Chile) topped the list of arrivals, followed by Cubans, extra-continentals (from Asia and Africa), and then Venezuelans. The largest numbers of extra-continentals came from Bangladesh, Senegal, Ghana and Uzbekistan, in that order. Overall, 36% are women, and 22% are children, of whom 75% are under the age of five.³

The reasons for flight are multifold: they include generalized violence; the massive violation of human rights; persecution; family reunification; and the search for better economic opportunities. However, as of late, the reasons are increasingly related to the loss of legal status as migratory regulations change, and the absolute crippling effects of COVID-19 on the economy of their country of origin or host country. Rather than a matter of economic opportunity, migration is becoming a matter of economic survival. And for many, the move toward and through Panama represents a secondary or tertiary displacement in a refugee or migrant's life.

Panama has been, for most refugees and migrants, a mere point of transit. It also represents what is arguably the single most difficult stretch of the journey. The "Darién Gap," which refugees and migrants traverse from Colombia to Panama, is a 100-mile-long by 30-mile-wide stretch of mountainous jungle and swamp that spans from the Gulf of Urabá in the Caribbean to the Pacific Ocean. It is known as the most impenetrable jungle in the Americas and the rainiest location on earth. With no roads or services, the journey can take anywhere between five and ten days on foot through the jungle, and is marked by tropical illnesses, armed groups and criminal gangs, and flash flooding that carry some to their deaths. There is little to no state presence in the Darién Gap proper - neither on the Colombian nor on the Panamanian side - and the vast majority of those who traverse can only

(2) Figure provided by Panama's National Migration Service.

(3) Ibid.



do so with the aid of smugglers. In 2018, when the numbers of refugees and migrants were a fraction of what they are today, Interpol and the National Police of Colombia estimated that smuggling was generating nearly \$1 million per week.⁴ It is safe to presume that the figure is exponentially higher today.

The first place where refugees and migrants typically see state or humanitarian presence is upon arriving in Bajo Chiquito, a small indigenous community with a population of 450 inhabitants. There they can receive basic first aid [facilitated by Doctors Without Borders (MSF) and the Ministry of Health (MINSA)], access potable water (made possible with UNICEF funding) and basic provisions (for sale by community members), and, when necessary, lodge a formal criminal complaint with the Office of the Public Prosecutor, which recently established an office in the village (due to the high level of violence perpetrated within the jungle.) Refugees and migrants then pay community members 20 – 25 dollars for a seat on a pirogue (a narrow canoe), to be taken to one of the two government-run “migrant reception stations” in the Darién Province (San Vicente and Lajas Blancas). Those that do not have the funds to pay their way on the pirogue must work in the community to earn the fee or rely on the generosity of fellow refugees and migrants.



At San Vicente and Lajas Blancas, authorities of The National Migration Service (SNM) and The National Border Service (SENAFRONT), Panama’s border police, run a tight ship. They closely monitor entry and exits, register migrants and run biometric security checks (on certain nationalities), and provide hot meals three times per day. Their administrative oversight of the reception stations includes permitting humanitarian agencies’ access to the stations to provide services, which include some basic medical assistance, and scattered psychosocial counseling and protection services, including child protection and legal advice. The availability and reach of these services are very limited, particularly given the objective to transfer refugees and migrants as soon as possible (typically within 24 hours) to the next stage of their journey: another migrant reception center at Los Planes de Gualaca, in Chiriquí Province, where refugees and migrants prepare to enter Costa Rica. The transfer is made in private buses, organized by authorities, but paid for by the refugees and migrants. At Los Planes, food and other provisions are also provided, such as blankets and basic first aid. Subject to availability, other goods and services are offered, such as vaccinations or donated clothing. In contrast to the reception stations in the Darién, some refugees and migrants spend several weeks here resting and/or awaiting a transfer of funds from family abroad to finance the next portions of the journey.

(4) Alejandro Millán Valencia, El infierno de cruzar el Tapón del Darién, la selva más intransitable y peligrosa de América Latina (que corta en dos la ruta Panamericana), BBC World News. March 24, 2018. <https://www.bbc.com/mundo/noticias-43513884>



FINDINGS AND RECOMMENDATIONS

1. HUMANITARIAN NEED AT PANAMA'S BORDERS

There is a burgeoning humanitarian crisis which demands a response. Humanitarian efforts for refugees and migrants arriving in and transiting through Panama must be supported. A failure to do so will have regional implications.

Panama has responded by rapidly mobilizing human and financial resources (\$46 million USD to date in 2021 only⁵) to strengthen SENAFRONT and migration authorities' presence at border points, working with local communities to afford shelter, and provide - or facilitate through aid agencies - the most basic of necessities, including food and first aid, albeit insufficient and extremely rudimentary. It has deployed its own resources - human and financial - to provide some order to the chaos of some 300 - 2,400 persons (at its peak) emerging daily from the long trek through a jungle in which they have been exposed to robbery, sexual violence, extreme weather conditions causing tremendous health hazards, and even the loss of life. Those that make it are found to be suffering from dehydration, malnutrition, arterial hypertension, injuries and wounds in the extremities, respiratory problems, gastrointestinal infections, dermatological disorders, and many request reproductive health services.⁶

The challenges we witnessed are overwhelming, and the Panamanian government's humanitarian and logistical efforts to address them, as described above, are earnest. There are ongoing efforts to meet the humanitarian needs of refugees and migrants in transit in Panama, some of which are funded by U.S. Government donors. However, the water, sanitation, and hygiene services, shelter, and healthcare activities are only palliative, and they fall far short of the tremendous humanitarian need. Note that the maximum capacity of the reception stations are 400 individuals each, which is routinely exceeded. There is minimal humanitarian coverage with only a few and grossly understaffed international non-governmental organizations (NGOs). Only three UN agencies have a permanent presence in the Darién province (representing only a handful of people), and many other needed specialized agencies are simply absent. Simply put, those most qualified to provide continuous protection and care for the very unique needs of refugees and migrants that arise from the experience of the Darién jungle, are absent or have barebones staff. Protection options are not on offer at the Los Planes reception station in Chiriquí province, close to the border with Costa Rica, either. At one point in time, scant child protection services and counseling were offered, but the program is now defunct after funding was discontinued to that NGO.

While the needs have not been quantified, all agree that there is a general absence of services at Bajo Chiquito and the migrant reception stations in Darién and Chiriquí. There is a need for a massive injection of cash for shelter enhancement and expansion, WASH (water points expansion, latrines, jerrycan and hygiene kit distribution, etc.), non-food items (clothes, blankets, travel kits, PPE, etc.), health services, nutritional feeding programs, safe spaces, psychosocial support, access to services, etc. and for technical assistance from specialized humanitarian actors. Further, additional assistance is needed in order to mitigate the impact of arrivals on the environment.

(5) Figure provided by Panama's National Migration Service.

(6) Operation Update Report N°1 Panama: Population Movement, International Federation of Red Cross and Red Crescent Societies. November 11, 2021. p. 9. <https://reliefweb.int/sites/reliefweb.int/files/resources/MDRPA01Sou1.pdf>



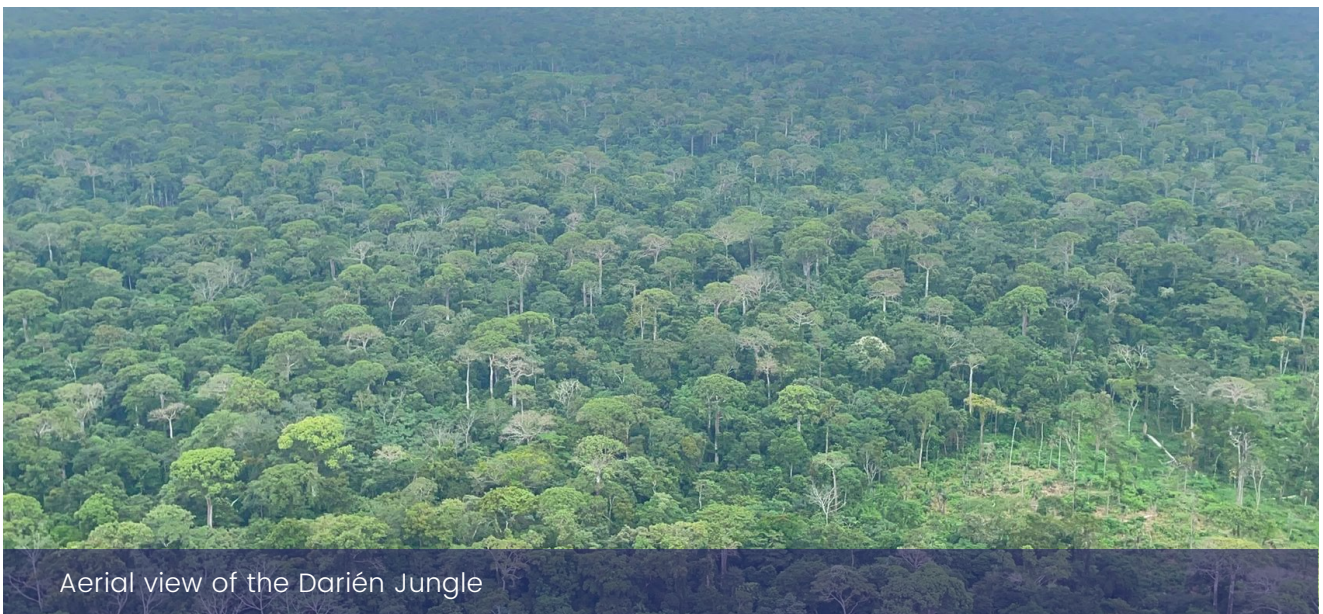
Panama's actions have served to provide a modicum of dignity to just one short part of the refugees' and migrants' trajectory, after emerging from the horrors of the Darién Gap, but they need further support. Not addressing some needs at this stage will only make urgent health and humanitarian needs, and the impact of other human rights violations even more acute further along the route, placing yet more pressure on service providers and governments at the Guatemalan, Mexican, and U.S. borders that struggle to respond to needs as it is.

Lastly, to help meet humanitarian need, the weight and technical expertise of the UN in Panama needs to be harnessed, in partnership with civil society. Panama, a middle-income country with no major displacement crisis, has not required the level of investment and support that UN agencies have provided to some of its neighbors in the region. Panama is, however, the regional hub for UN agencies working in Latin America and the Caribbean, which presents a unique opportunity to harness their convening power and technical expertise for professional, sustained, efficient, and effective humanitarian assistance within Panama proper. This would include expertise in the areas of coordination, sexual violence, child protection, shelter, logistics, and water and sanitation in emergency settings, to name just a few.

2. VIOLENCE IN THE DARIÉN

There is an urgent need for robust security cooperation between Panama and Colombia - with the support of the U.S. Government - to combat violence in the Darién Gap.

Humane border management in Panama necessitates addressing insecurity and violence in the Darién Gap. This small stretch of land has notoriously served as a haven to armed groups, criminal gangs, and smugglers over the years. This is no different today. In recent months, Doctors Without Borders (MSF) has been steadfast in its repeated warnings of the violence refugees and migrants crossing the Darién Gap encounter, including both sexual and general violence that occurs during robberies. In November 2021, MSF publicly shared that they had treated 288 reported cases of sexual violence, which they estimate to be just a fraction of the real number.⁷ MSF since shared that anywhere between 80 to 100% of women in any given group arriving at their health facility in Bajo Chiquito may have suffered sexual violence, and in some cases, repeatedly throughout the journey.



Aerial view of the Darién Jungle

(7) Violence and danger for people crossing Panama's Darien jungle. Doctors Without Borders. November 21, 2021. <https://www.msf.org/violence-and-danger-people-crossing-darien-jungle-panama>



The levels of brutality have led MSF to publicly call for safe routes between the two countries and for regional governments to provide protection from violence for refugees and migrants along the entire route. In fact, as a part of a region-wide migratory accord, a humanitarian corridor for the most vulnerable to physical violence in the Darién - women, children, LGBTQ+ individuals - should be negotiated between Colombia and Panama, with the support of the U.S. Government.

Furthermore, the reach and impact of any humanitarian aid will be limited if not complemented by comprehensive efforts to tackle criminal organizations and drug trafficking on the different routes that refugees and migrants are using, including the Pacific coast. It is absolutely critical for the U.S. Government to provide the requisite financial and technical support (for example, from INL) for Panama to significantly step up its securitization of the Darién Gap efforts. This includes more patrols at key points which both MSF and the Ministry of the Public Prosecutor have recorded as principal flashpoints for assault and robberies, and operations to root out perpetrators.

Per clinical reports in Bajo Chiquito and the migrant reception stations, refugees and migrants traversing the Darién Gap in September and October experienced some respite from the violence; the number of reported cases of sexual violence declined. This coincided with a reported SENAFRONT-led offensive against perpetrators of violence within the jungle, indicating that securitization efforts can have an impact on criminal activity. Finally, the scale of the violence on this very porous border calls for binational cooperation between Colombia and Panama. With U.S. Government support and guidance, Colombia could lend its military might that greatly outflanks Panama's to support such operations in the Darién.

3. PANAMA'S CAPACITY TO INTEGRATE REFUGEES AND MIGRANTS

Panama is in need of comprehensive asylum and migration reform.

There is room for improvement in Panama's immigration structure and institutional framework to welcome, manage and integrate the increasingly mixed flow of asylum seekers and migrants, so that it can better respond to today's current global context.⁹

Panama has only granted asylum to some 2,500 refugees in its history.¹⁰ The country has an onerous system, the process can easily take up to six years, and throughout its course, applicants face an uphill battle to survive and integrate in Panama. While applicants await to learn from the National Office for Refugee Assistance [La Oficina Nacional para la Atención de Refugiados (ONPAR)] if they have passed the preliminary screening and will be considered for refugee status, their application allows

(8) Safe routes urgently needed for thousands of migrants crossing the Darién Gap. Doctors Without Borders. November 21, 2021. <https://www.doctorswithoutborders.org/what-we-do/news-stories/story/safe-routes-urgently-needed-thousands-migrants-crossing-Darién-gap>

(9) According to research undertaken by The Migration Policy Institute, the immigration structure that was dismantled following Noriega's removal was never fully restored. Further, in recent years, Panama has worked to strengthen its migration management capacities, but it remains deficient. See Laying the Foundation for Regional Cooperation: Migration Policy and Institutional Capacity in Mexico and Central America. Migration Policy Institute. April 2021. p. 47. https://www.migrationpolicy.org/sites/default/files/publications/mpi-latam_foundation-regional-cooperation_eng-final.pdf

(10) Laying the Foundation for Regional Cooperation: Migration Policy and Institutional Capacity in Mexico and Central America, page 47. Migration Policy Institute. April 2021. https://www.migrationpolicy.org/sites/default/files/publications/mpi-latam_foundation-regional-cooperation_eng-final.pdf



them to remain in Panama for the time being, but they are not afforded a work permit. It is only once they are admitted into the asylum process that they can apply for a one-year work permit. A permanent permit is granted only if and when the individual is granted refugee status.

The final status is granted or denied by the National Commission for Refugee Protection [La Comisión Nacional de Protección para Refugiados (CONARE)], a governmental body designated with reviewing applications, which only meets an estimated four times a year. This explains, in part, the extremely lengthy process. The vast majority of applicants are denied due to the strict application of 1951 Refugee Convention criteria, rather than the Cartagena Declaration definition, which more widely captures some of the circumstances that lead people to flee. In fact, Panama has an approval rate of only 1% of asylum requests.

Further, per UNHCR, of the tens of thousands that crossed the Darién Gap in 2021, only 77 persons solicited asylum through early December 2021. While this data point, coupled with CDA's informal intention surveys of refugees and migrants, might underscore most refugees' and migrants' laser focus on the United States as the sole destination country, it also signals the difficulty of accessing and successfully navigating the asylum process in Panama. In fact, multiple human rights and humanitarian personnel in Panama shared with our team that refugee status was the single most difficult pathway to regularize in Panama.

Migration policy is challenged by ever-changing and onerous policies and procedures. Since 2008, Panama has offered at least 15 ad hoc regularization processes for migrants with irregular status, each with different requisites and procedures, which are prohibitively expensive. For example, a residency application could cost up to \$1,500 USD and, in fact, Panama's Supreme Court of Justice increased the cost to more than \$1,800 USD in 2021. The lack of clear legal channels for regularization has prompted ad hoc measures such as the use of "extraordinary" legalization measures that give a regular status to irregular migrants, mostly people from Venezuela, Colombia and Nicaragua.

Legal work pathways are limited for both the skilled and unskilled. In fact, the exclusion of refugees and migrants from economic participation and other forms of integration into Panamanian life are codified in law. The Panamanian constitution and labor codes specifically detail a list of 56 "protected" professions, which only Panamanian-born and naturalized citizens can practice. These include a wide variety of skilled and unskilled professions, ranging from doctors, accountants, and lawyers, to cosmetologists, security agents, and gardeners. The law forbids foreigners, even with a work permit, to labor in those professions. In other words, work permits are restricted to certain - and very limited - professions. Further stymying efforts to attain economic self-sufficiency, non-Panamanian nationals are not allowed to engage in retail trade, and, according to information gathered from conversations with several individuals and organizations on the ground, they cannot access capital for start-up businesses, and engaging in informal commerce is strictly prohibited. Furthermore, work permits are directly tied to a particular company and job offer. A change in employment can result in the loss of the permit.

For both refugees and migrants, an overhaul in asylum and migrant regularization policy and procedures would be helpful, coupled with loosening restrictions to create a more welcoming and participative labor market. The Government of Panama will need political and financial support for an action plan toward becoming a destination country that includes a strengthened asylum system with dedicated protection institutions and trained personnel, and the budget to make swift analyses and adjudications. Similarly, CDA believes that a new migration legal framework is needed that provides



for coherent and streamlined rights-based migratory policies. They must include regularization mechanisms that are more accessible and stable over time, and address other important aspects for the integration of migrants and their self-sustainability. Migration reform can be undertaken in digestible and sequential pieces, while awaiting a comprehensive legal overhaul. First but critical steps might include (a) lowering the fees to various regularization pathways that make them entirely inaccessible for people in need of complementary pathways or other paths to regularization; (b) introducing decrees that revises prohibitions of foreigners engaging in retail trade and informal commerce; and (c) introducing decrees that allows for foreigners to contribute their professional skills to the Panamanian economy and exercise in their field of expertise, many of which are in reported need in Panama's labor force (health staff, for example). Moreover, it is vital to encourage and support Panama's long-term capacity-building and institutionalization of the migration system. Some of these proposals will require greater fiscal and political space for the Panamanian government to openly support receiving communities; engaging international financial institutions such as the World Bank and InterAmerican Development Bank to support with favorable lending schemes will be critical to doing so, similar to what the World Bank has recently facilitated for Colombia. Equally, the private sector and labor unions are important allies for achieving legal reforms that allow migrants to engage in all professions in Panama.

Finally, CDA found that Panamanian civil society engagement in refugee and migration affairs is weak, uncoordinated, and underfunded. Capacity-building efforts will be critical to the achievement of migration reform; their advocacy and operation could open up the door for Panama to become a safer harbor for migrants and refugees.

4. BEYOND PANAMA: ENSURING A CONTINUUM OF HUMANITARIAN SERVICES

The humanitarian need that arises specifically from the experience of traversing the Darién is great, services on offer in Panama are limited, and the vast majority of refugees and migrants in transit have little time in Panama to access services. The need for continued care along the route is critical, in particular for separated and unaccompanied minors and survivors of sexual violence. This necessitates a transnational case management system in which refugees and migrants in need can be referred along the route to the next service point where they can, for example, continue their post-rape care, receive their second COVID-19 shot or booster, or benefit from family tracing services. Such a system can be established and overseen by one international humanitarian agency with a presence in each country along the route, or services can be provided via a consortium of the already-existing service providers that have years of experience providing care in the north of Central America and Mexico. Multiple organizations and networks exist in the region that have the capacity for undertaking this transnational challenge. These include Doctors Without Borders, cooperation across the Red Cross Network, and the Hebrew Immigrant Aid Society (HIAS) services throughout the region, in partnership with civil society. Further, there are models that can provide best practices. For example, in the Venezuela response, support spaces were established in key locations in communities and along the route, functioning as one-stop shops to provide information and orientation on vital services and programs, as well as individual counseling, psychological first aid, safe play areas and access to free basic services and safe referrals to specialized organizations when needed.



CONCLUSION

Alongside Panama's existing efforts, there are a host of opportunities for Panama to strengthen its assistance and create the conditions and mechanisms for the country to shift from being a dignified stop on a long journey for refugees and migrants in transit, to a destination country in which legal pathways are made available for refugees and migrants to access. With U.S. Government support, and in partnership with international financial institutions and the UN, this can be realized.

But the support role that the UN and its partners can play must include host communities, in particular those in the Darién and Chiriquí provinces. While it had one of the strongest growth performances in Latin America and the Caribbean before the COVID-19 pandemic, Panama suffered from one of the most severe COVID-19 outbreaks in 2020, with the consequent severe pandemic-related economic woes.¹¹ Moreover, there is underlying fragility that puts in question the real capacity of Panama hosting and becoming a destination country. Panama is struggling with its own structural issues, such as extreme inequalities (in 2020, poverty in rural areas was six times higher than in urban areas)¹²; and the Darién province, in particular, is amongst the poorest provinces, experiencing ongoing humanitarian need. There are also concerns of increasing gang violence and insecurity.

Nonetheless, the window of opportunity to create better conditions and mechanisms is now. The current Panamanian administration is seeking assistance to complement its efforts to date; and also requests that the United States play a leadership role in bringing all the actors to the table and in moving the region towards more coherent and controlled migration management. At the same time, as the U.S. Government engages in bilateral and regional migration discussions, Panama, as a key piece of the puzzle, must be part of a regional migration accord that re-considers a framework of shared responsibility in North America and beyond, and that also includes a more effective approach to migration management, one that mitigates, manages, and ensures orderly migration, while safeguarding those with protection needs.

(11) The World Bank COVID-19 response in LAC: Panama. Oct 6, 2021.

<https://www.worldbank.org/en/country/panama/overview#1>

(12) Ibid.

