

General context

The UNHCR is the United Nations agency mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.

According to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, the term *refugee* applies to all persons who “due to the terror of being persecuted for motives of their race, religion, nationality, belonging to a particular social group or their political opinions, flees from their country of nationality or habitual residence and cannot or, due to those terrors, does not want to ask for protection from their country.”

The UNHCR does not have the mandate to deal with migration. There are other organizations with the specific mandate of working with migrant populations, such as the International Organization for Migration (IOM).

UNHCR activities in Panama

UNHCR assists the government and the civil society to create a more favorable environment for asylum-seekers and refugees.

Activities include:

Training to relevant actors the National Office for the Attention to Refugees, the Commission of Eligibility, the National Migration Service, the National Police, Border Police, and civil society, among others, on international protection principles and applicable national regulations.

Diplomas/ Graduate Courses in International Refugee Law, organized in collaboration with the University of Panama.

Lobbying for legal reforms and adherence to relevant international and regional instruments.

Strengthening local capacity to. Technical support to the National Commission of Eligibility.

Programmes to promote the local integration of refugees into the receiving communities.

Assistance and orientation for persons seeking asylum.

Special projects for the prevention, attention to and appropriate response to HIV/AIDS, sexually transmitted diseases, and gender-based violence.

Challenges

In 2004, the government of Panama established a Temporary Humanitarian Protection (THP) regime for situations of mass influx. The status was applied to Colombian nationals who have fled from Colombia to the province of Darien in Panama during the years 1998 to 2000. The regime specifically excludes these persons from the benefit of the 1951 Refugee Convention, restricts their freedom of movement to the community where they have been hosted in the Darien and does not entail the right to work. UNHCR continues to strongly advocate for the granting of permanent residency rights to this group which has been living in extremely precarious conditions for more than 10 years.

Legal framework

Panama is a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Both instruments have been incorporated into the national legislation through the Law 5/1977”.

Under the Migration Law, refugees, asylum-seekers, persons under Temporary Humanitarian Protection, and stateless persons under the category of “Persons Under Protection of the Panamanian State”.

The Law 25/2008 permits persons granted with refugee status who have been living in Panama for 10 years or more to obtain permanent residency rights, which also entails the right to naturalization. The law will cease to apply in November 2010 and therefore concerns some 250 refugees, mainly from Salvador and Nicaragua.

The Executive Decree 23/1998 regulates the asylum procedure in Panama.

UNHCR presence in Panama

UNHCR has opened **1 office** in Panama since 1998.



UNHCR has **13 workforce**, 7 international and 6 nationals.



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People of concern to UNHCR

Refugees: 1105*
Persons under the status of Temporary Protection: 863**
Asylum –seekers: 534*
Host communities: 4000
Persons in need of international protection: 15000**

* Source: government
 * Panama-Colombia Bi-national Census of 2004
 ** Estimates by UNHCR



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The way forward (2010 – 2011)

Panama is both a country of destination and transit for mixed migration flows, with a steady inflow of asylum-seekers to the capital city, mainly from Colombia, but also with extra-continental origins. The protracted situation in the Province of Darien also requires durable solutions, namely the group of Colombian nationals under temporary protection in the Province of Darien.

In this context, the promotion of fair and efficient asylum procedures and local integration of refugees, through self-reliance and community-based projects, are the cornerstones of UNHCR protection strategy in Panama.

Priorities:

1. Fair and efficient asylum procedures
 - Protection against refoulement at all points of entry;
 - Procedural rights, including review mechanisms at all the stages of the process;
 - Adequate living conditions during the asylum process;
 - Adequate registration and documentation.
2. Local Integration
 - Effective access to permanent residence for all long-term refugees;
 - Regularization of persons under status of Temporary Humanitarian Protection.
3. Adhesion to international instruments relating to statelessness

Partnership

- **Nacional Office for Attention to Refugees (ONPAR).** The ONPAR is the entity in the Panamanian Ministry of Government that conducts the primary interviews with those persons seeking asylum and it coordinates the “Comisión Nacional de Protección para Refugiados” (National Commission for the Protection of Refugees), as well as the programs of attention and protection to refugees and the persons subject to the “Estatuto Provisional Humanitario de Protección” (Statute of Provisional Humanitarian Protection).

- **Vicariato de Darién (VIDA).** VIDA works to provide humanitarian assistance necessary to the human groups affected by migration phenomenon during their displacement and entry to the country; then, with those who choose to remain in the country, it works to promote local integration of the refugee population into the receptive communities. VIDA does this through humanitarian assistance programmes for populations of concern to the UNHCR in the Province of Darién.

- **Panamanian Red Cross, Programme for the Local Integration of Refugees.** The Panamanian Red Cross has a programme for humanitarian assistance to refugees in Panama. The assistance offered consists of social and educative orientation, psychological and health attention. The Red Cross also helps those who have recently arrived in Panama, with provisional accommodations (housing) and food, feminine kits and basic hygiene kits, for home or for children, depending on their specific needs. Also, they offer training for personal and social development.

- **Popular Centre for Legal Aid, Programme for Refugees (CEALP).** The CEALP is an NGO that works for the promotion of human rights. Through their Programme for Refugees, it offers: information, legal counsel, legal representation during the procedure of determining the condition of refugee status.

- **Norwegian Refugee Council (NRC).** The NRC is an international organization that works with protection and humanitarian assistance to refugees and displaced people in Asia, Latin America, Africa and Europe. In Panama City, NRC assists the CEALP Programme for Refugees and promotes the assistance networks for people in need of international protection, solicitors of refuge, and refugees.

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