

PANAMA | PROFILE 2019

MIGRATION  
GOVERNANCE  
INDICATORS



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GOVERNANCE  
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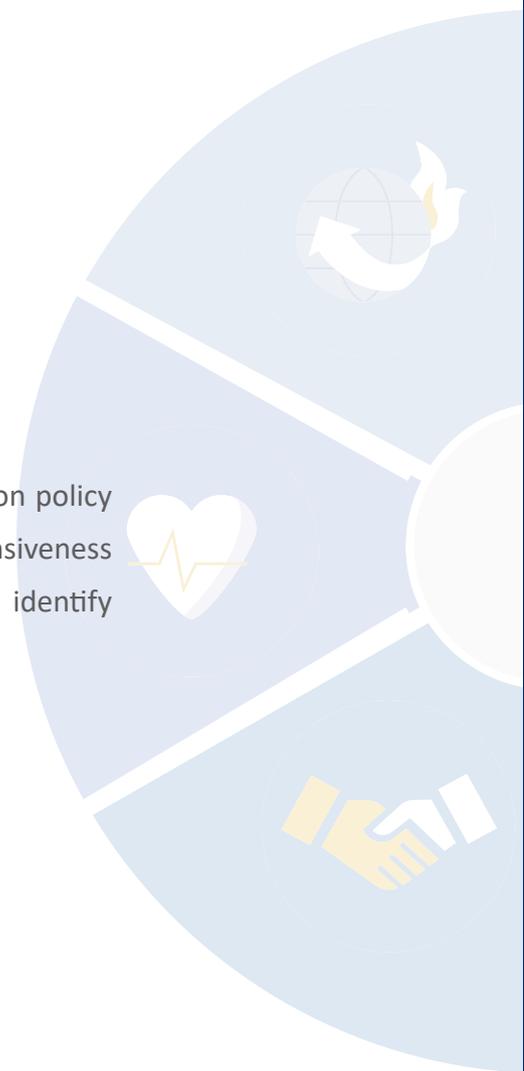
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## OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.



The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

# INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.<sup>1</sup> The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.<sup>2</sup>

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.<sup>3</sup> The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with The Economist Intelligence Unit to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that offers insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Federal Democratic Republic of Panama (hereinafter referred to as Panama), as well as the areas with potential for further development, as assessed by the MGI.<sup>4</sup>

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<sup>1</sup> IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

<sup>2</sup> IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

<sup>3</sup> Ibid.

<sup>4</sup> The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of The Economist Intelligence Unit. Funding is provided by IOM's Member States.

# CONCEPTUAL FRAMEWORK

## MiGOF

The HDMI MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

### PRINCIPLES

1. *Adherence to international standards and fulfillment of migrants' rights.*
2. *Formulates policy using evidence and "whole-of-government" approach.*
3. *Engages with partners to address migration and related issues.*

### OBJECTIVES

1. *Advance the socioeconomic well-being of migrants and society.*
2. *Effectively address the mobility dimensions of crises.*
3. *Ensure that migration takes place in a safe, orderly and dignified manner.*

At the basis of

## MGI

### WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

### WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive

Which supports the measurement of



### TARGET 10.7

*"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies."*



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MIGOF categories:



MIGRANTS'  
RIGHTS  
PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT  
APPROACH  
PAGE 14

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS  
PAGE 16

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING  
OF MIGRANTS  
PAGE 18

Indicators in this area assess countries' policies regarding the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION  
OF CRISES  
PAGE 19

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY  
AND REGULAR  
MIGRATION  
PAGE 20

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



## 1

## ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

### I.1. International conventions ratified

**Table 1.** Signature and ratification of international conventions

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention relating to the Status of Refugees (so-called Geneva Convention), 1951	Yes (1969)
United Nations conventions on statelessness, 1954 and 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1991)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No
United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000	Yes (2012)

### I.2. Migration governance: Examples of well-developed areas

All immigrants have the right to access public health services regardless of their migratory status. The right to health is guaranteed both in the Constitution and in other specific laws. For example, Section 485 of the Family Code explicitly provides for equality in the protection of the health of national and foreign children and adolescents. Section 78 of the Organic Law of the Social Security Fund states that foreign workers have the right to join (and must pay their dues to) the mandatory Social Security Fund system. In addition, Section 78 states that the authorities may not prohibit this under the pretext of the breach by said person of labour or immigration regulations. In fact, the worker's registration with the Social Security Fund is a prerequisite for the application for Residence Permits.

Section 91 of the Political Constitution of 1972 notes that every person living in Panama has the right to education and the responsibility to educate themselves. Section 95 states that official education is free at all pre-university levels. The first level of general basic education is mandatory. However, not all immigrant children have access to all education-related state aid. For example, to access the Universal Scholarship that was created with the purpose of decreasing dropout levels, foreign students must present proof of more than ten years of residence in the country. The National Institute of Professional Training and Training for Human Development (Instituto Nacional de Formación Profesional y Capacitación para el Desarrollo Humano, INADEH) is the main institution in charge of vocational training in the country for people over 18 years of age; being Panamanian is a prerequisite to access their programmes. However,

there are partnerships between the Government and the UNHCR (United Nations High Commissioner for Refugees) that allow refugees to participate in courses offered by INADEH and to receive a certification.

Panama has established agreements on the portability of social security benefits with other countries. There is a 1972 Bilateral Agreement between the Costa Rican Social Security Fund and the Social Security Fund of Panama, which grants Panamanians working in coffee and banana producing farms in Costa Rica the same medical benefits entitled to nationals.

### **1.3. Areas with potential for further development**

Although the Constitution of the Republic of Panama promotes equality, a strategy or policy against hate crimes, violence, xenophobia and discrimination against migrants has not yet been developed.

Foreigners who have valid work permits can access employment on equal terms. However, there is an extensive list of professions protected and reserved for Panamanians by birth. These include nursing, dentistry, architecture, medicine, psychology, accounting, economics, law, engineering, and social work, among others. Through Bill 611 of 2013, however, the Ministry of Health and the Social Security Fund are allowed to hire foreign professionals and health technicians for professional services on a temporary basis. On the other hand, the University of Panama, in accordance with the provisions of Section 105 of the Statute of the University, may hire foreign professors, who will be subject to a Special Regulation, approved by the Extraordinary Academic Council No. 11-94 of 1994.

In Panama, immigrants may apply for permanent residence. According to Section 18 of Decree Law No. 3 of 2008, a temporary resident is a foreigner or his dependents who enter the country for work, special policies, education, culture, religion, humanitarian and family reunification reasons, and other subcategories, for a period of up to six years. After this period, the temporary resident may request permanent residence according to the requirements of the law. However, this does not apply to all categories. For example, those migrants who have student permits and permits granted by other special laws are excluded. In this regard, it is important to highlight that through Executive Decree No. 249 of 2019, a procedure allows foreigners who have obtained the renewal of their 10-year Provisional Extraordinary Migration Regularization Permits or their 6-year General Migration Regularization Permits to apply for permanent residence.

Likewise, it is important to clarify that those foreigners under migration categories that do not allow access to permanent residence can request a change of category to a temporary residence permit that allows them to opt for the permanent residence permit. For example, the completion of studies does not restrict the person from applying for other immigration categories for professionals that allow the issuance of a work permit and permanent residence.



## 2

## FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

### 2.1. Migration governance: Examples of well-developed areas

There is national legislation for the management of immigration and emigration. In particular, Decree Law No. 3 of 2008 established the National Migration Service, the Migratory Career and dictated other provisions on the matter. Executive Decree No. 320 of 2008 regulates the National Migration Service by establishing the bases for this Service to perform its functions, in accordance with the migration policies issued by the Executive Branch. However, the Executive Branch regulates the conditions and requirements that must be met to apply for each of the migration categories and it can create new migration subcategories through executive decrees.

Decree Law No. 3 of 2008 establishes the Migration Consultative Council, as a consultative and advisory body for migration policies that acts as an interministerial coordination mechanism. Among its functions, the Advisory Council designs and advises on the State's migration policies and the necessary measures and actions for their implementation, taking into consideration the country's development needs, however, this mechanism does not meet on a regular basis.

There is a government body responsible for the design and coordination of the implementation of the migration policy. According to Section 4 of Decree Law No. 3 of 2008, the National Migration Service has a public role related to security, administration, supervision, control and application of migration policies issued by the Executive Branch. The National Migration Service is a department of the Ministry of Public Security, which is responsible for advising the Executive Branch and developing migration policies that the Branch approves when it deems necessary.

### 2.2. Areas with potential for further development

Panama does not yet have a national unified migration strategy. However, there is legislation for immigration and emigration and the issue of migration is mentioned in several strategic documents at the national level. For example, in the National Strategy for Citizen Security 2017–2030, there is reference to migration from the perspective of the Ministry of Security. In addition, Panama has implemented initiatives regarding the development of public policies that respond to the country's labour needs, such as the creation of the Labour Migration Commission through Ministerial Decree No. 6 of 2015, in order to create spaces of dialogue and work around public policy on migration.

There is no migration strategy that takes gender considerations into account. However, the National Strategic Plan with State Vision "Panama 2030" establishes a strategy for gender equality and empowerment of women and girls. Moreover, the National Institute of Women (Instituto Nacional de la Mujer, INAMU) created a document called Public Policy for Equal Opportunities for Women, and one of its strategic guidelines refers to the protection and guarantee of human rights of migrant women that were forced to migrate, victims of trafficking and refugees. Likewise, the country has public policies that transversally integrate ethnic issues related to migration; for example, Law No. 3 of 2008 includes provisions regarding the cross-border migration movement of indigenous populations.

National strategies regarding migration are not aligned with the National Strategic Plan with State Vision "Panama 2030", which aims to comply with the Sustainable Development Goals (SDGs), as it makes no specific reference to migrants.

Currently there are only partial efforts for horizontal and vertical coherence in migration policy. For example, occasional meetings are held between ministries on immigration matters, but these do not generate the

necessary traction to establish concrete actions. In addition, local and regional consultations are held to discuss the alignment of migration policies because some institutions are decentralized.

The National Migration Service has a statistics section, as well as gender-specific data. Likewise, the National Institute of Statistics and Census (Instituto Nacional de Estadística y Censo, INEC), in charge of developing statistical studies at the national level, collects relevant data on migration. However, there is no data specifying immigration status and there are no formal mechanisms in place to ensure that available data is taken into consideration for the development of public policies.

## 3

ENGAGES WITH PARTNERS TO ADDRESS  
MIGRATION AND RELATED ISSUES**3.1. Migration governance: Examples of well-developed areas**

Panama participates in regional consultative processes. For example, it is part of the Regional Conference on Migration (Conferencia Regional sobre Migración, CRM), which was created in 1996 and coordinates policies and promotes cooperation on migration among its eleven member countries.<sup>5</sup> In addition, Panama is part of the Central American Commission of Migration Directors (Comisión Centroamericana de Directores y Directoras de Migración, OCAM), which aims to implement strategies for the exchange of migratory information and follow up on the proposal for a comprehensive regional migration policy. Panama is also part of the Ibero-American Network of Migration Authorities (Red Iberoamericana de Autoridades Migratorias, RIAM), a forum for consultation on migration.

In 2018, Panama signed a Memorandum of Understanding with Colombia on cooperation in the prevention, investigation and control of human trafficking, and on the assistance and protection of its victims. Likewise, the country holds regular meetings with Colombia in the context of the Binational Border Commission (Comisión Binacional Fronteriza, COMBIFRON), where agreements are established to strengthen the territorial control of the Colombian-Panamanian border through joint operations.

Panama also signed a Memorandum of Understanding with Chile, which establishes a Bilateral Commission for Cooperation on Migration and Consular Affairs to address the challenges of international migration, design migration and consular cooperation programmes, formulate initiatives on alert systems and exchange advanced information on migratory movements, human trafficking and smuggling of migrants, and joint participation in international forums on migration.<sup>6</sup>

The country holds conversations on migration with origin and destination countries. Panama and Costa Rica have a long tradition of cooperation in migration matters with, for example, the Agreement on border security establishing the COMBIFRON signed in 2011 and the Agreement on Cooperation for Border Development, with the aim of strengthening border cooperation in the agricultural, public works and transportation, health, natural resources, municipal regime, education and tourism sectors, among others. Likewise, through the First Binational Meeting in 2016 agreements on Public Security, Customs and Migration were reached. Based on the recent increase in the flow of Cuban and Haitian migrants in transit through Panama, the presidents agreed to strengthen the binational Controlled Flow programme that, taking into account national interests, guarantees humanitarian assistance to the migrant, prevents human trafficking and strengthens the fight against drug trafficking.<sup>7</sup> In 2017, during the first meeting of the Costa Rica–Panama Association Council, the countries agreed to jointly address the irregular transit of extraregional citizens, which was the original reason for the implementation of a biometric system to verify of the identity of migrants. In February 2019, the Second Binational Meeting was held, with the participation of both presidents, to strengthen the countries' commitment to continue collaborating on migration matters.

<sup>5</sup> Belize, Canada, Costa Rica, El Salvador, United States, Guatemala, Honduras, Mexico, Nicaragua, Panama and the Dominican Republic.

<sup>6</sup> For more information on the agreement between the Governments of Panama and Chile, please see [www.migracion.gob.pa/inicio/noticias/388-gobiernos-de-panama-y-chile-suscriben-acuerdos-para-reforzar-la-seguridad-y-agricultura](http://www.migracion.gob.pa/inicio/noticias/388-gobiernos-de-panama-y-chile-suscriben-acuerdos-para-reforzar-la-seguridad-y-agricultura).

<sup>7</sup> Among Panama's contributions, there is a training and education programme for the professionalization of Costa Rican police units, in sections of the National Border Service (Servicio Nacional de Fronteras, SENAFRONT) and the National Aeronaval Service (Servicio Nacional Aeronaval, SENAN).

### 3.2. Areas with potential for further development

Panama collaborates with civil society on migration issues, but not formally. The Government participates in meetings called by civil society organizations to engage government institutions to assist migrants. It is important to note that in Panama there are few civil society organizations working on migration. Most of them focus exclusively on refugees, so the Government argues that it does not have a formal counterpart on migration. However, there are organized groups, such as the National Bar Association, that study migration and refugee regulations formally and through specialized commissions.

There are dialogues on migration with the private sector that could be strengthened. For example, there is communication with organized groups of the private sector such as the National Council of Private Enterprise and the Panamanian Association of Business Executives. With the latter, the Government organized a forum entitled “Flexibility or labour migration restriction. What do we need?”.

The country does not collaborate formally with members of the diaspora and expatriate communities in the development of programmes and in the implementation of migration policy.

Panama is not part of any regional agreement for labour mobility. Panama is in the process of joining the Pacific Alliance, a regional integration initiative promoted by Chile, Colombia, Mexico and Peru that seeks to boost growth and competitiveness through a progressive development of the free movement of goods, services, capital and people between the five countries.



# 4

## ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

### 4.1. Migration governance: Examples of well-developed areas

The country has established formal agreements on labour issues with other countries. In 2019, Panama signed an Agreement that allows the management of migratory flows for employment purposes between Costa Rica and Panama for the Ngäbe-Buglé indigenous workers and their families.<sup>8</sup> Similarly, in 2017, Panama signed a bilateral agreement with Paraguay to protect domestic workers and thus strengthen technical cooperation between the two nations.

Mechanisms have also been developed to protect nationals abroad. Title III of the Labour Code includes the Special Labour Protection Standards, a series of mechanisms established to protect Panamanians working outside the country. Section 99 indicates that the Ministry of Labour and Labour Development will commission the consul of Panama who is in the closest location to the place where the workers are performing their duties, or the consul of a friendly nation, to exercise the maximum possible vigilance regarding the fulfilment of these contracts, of which he will receive certified copies.

Executive Decree 320 of 2008 establishes different types of visas to attract foreigners with specific professional competences, for example: Professional Foreigner; Professional Sports Foreigner; Staff hired as correspondent for international written, radio or television media and paid abroad, Employee of aviation companies based in the Republic of Panama, Foreigner hired by the national government or autonomous or semi-autonomous entities; and Foreigner of the Fulbright Educational and Cultural Exchange Programme, among others.

### 4.2. Areas with potential for further development

The Government has not conducted a national assessment to monitor the demand for immigrants in the labour market.

There are no programmes for immigration management based on the demand of the labour market. Most foreigners who enter the labour market enter the country as tourists. However, there are special laws that take into account the needs of the labour market, such as permits for those who work with multinational companies. For example, in 2009, in the context of the Panama Canal expansion project, a Resolution was issued to establish the procedure for processing work permits for foreigners in coordination with the National Migration Service and the Ministry of Labour and Labour Development.

There are no specific measures to promote gender equality for immigrants in the labour market. However, gender equality is a priority of the national policy. The Equal Opportunity for Women Action Plan 2016–2019 of the National Women’s Institute (Instituto Nacional de la Mujer, INAMU) notes, in one of its strategic objectives, that priority should be given to favour the integration and insertion of women who were forced to migrate, refugees, victims of trafficking and trafficking in persons into the local Panamanian labour market.

Panama does not have programmes to promote the financial inclusion of migrants and their families. In addition, in 2017 a bill entitled “Bill establishing the regulatory framework for remittances sent abroad and adding an article to Law 48 of 2008 that regulates the operations of money remittance houses” was presented, which includes the creation of a special tax for remittances sent abroad consisting of five per cent of the total amount of the money sent.

<sup>8</sup> The Ngäbe-Buglé are indigenous peoples that reside in Western Panama, primarily in the Veraguas, Chiriquí and Bocas del Toro provinces. More information can be found at [www.refworld.org/docid/49749cce1e.html](http://www.refworld.org/docid/49749cce1e.html).



## 5

## EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

### 5.1. Migration governance: Examples of well-developed areas

The Government has established measures to assist its nationals abroad in crisis situations. The Procedure Manual of the Ministry of Foreign Affairs includes the measures that must be taken by the diplomatic and consular missions of Panama abroad before, during and after a disaster situation has taken place, including how to assist affected nationals. This Manual and the Manual of the Coordination Centre for International Humanitarian Aid and Assistance (Centro de Coordinación para la Ayuda y Asistencia Humanitaria Internacional, CCAH) constitute the mechanism of the Republic of Panama to coordinate international humanitarian aid and assistance within the framework of the Regional Mechanism for Mutual Disaster Relief.<sup>9</sup> Additionally, the Ministry of Foreign Affairs activates the Information Coordination Centre (Centro de Coordinación de Información, CECODI) when there is a crisis or emergency situation abroad to provide assistance to Panamanian nationals and their families in the country.

The Government has a strategy that includes specific provisions to assist immigrants from countries in crisis situations. Panama has developed, with the support of IOM, the Temporary Shelter Management Manual, which specifies that the manual is aligned with objective two of the MiGOF (Migration Governance Framework) to effectively address issues related to human mobility in crisis situations, and with the Migration Crisis Operational Framework.

Decree Law No. 3 of 2008, section 23, states that the Republic of Panama guarantees protection to refugees, asylum seekers, stateless persons and persons under provisional humanitarian statute of protection who have entered the country in large numbers or are individually seeking temporary protection, while waiting to return to their country of origin or for their resettlement in a third country. The recognition of such status is subject to the national legal system and to international treaties ratified by Panama.

Additionally, the Government has implemented exceptional migration measures for foreigners from countries in crisis, for example, Executive Decree No. 612 of 22 October 2018, which created the Office of Humanitarian Affairs for Venezuelan Residents, to receive applications for family reunification for humanitarian reasons.

### 5.2. Areas with potential for further development

The country does not have strategies to deal with migratory movements caused by the adverse effects of natural disasters or environmental degradation, or a national development strategy that provides measures related to displacement.

Panama has a National Platform for Comprehensive Disaster Risk Management, which includes among its functions the dissemination of information to migrants on how to access assistance. However, this Platform does not specifically address the needs of migrants, but rather addresses the situation in a general manner.

Panama has a National Recovery Framework, which aims to guide the intervention of public and private institutions, grouped by sectors and territories, in post-disaster recovery processes. The Framework aims to comprehensively address the needs and priorities of the population of the affected area, ensure that risk conditions do not re-emerge, and that safer development dynamics are promoted. However, it does not refer to migrants specifically.

<sup>9</sup> An instrument of the Central American countries to deal in a prompt, expeditious and urgent way with an emergency or disaster situation that affects one or more countries, and that requires international humanitarian aid and assistance of its members.



## 6

## ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

### 6.1. Migration governance: Examples of well-developed areas

There is a formal procedure that allows foreign nationals to apply for specific types of visas before arriving in the country. By means of Executive Decree No. 100 of 2019, the online visa application procedure to enter the Republic of Panama was established only for foreigners whose country of origin or residence does not have a Panamanian consular representation and who require a tourist visa. As of 21 February 2019, a foreigner who requires a tourist visa may apply for one through a form on the website of the National Migration Service.

Executive Decree No. 125 of 2018 approved the National Plan against Trafficking in Persons for the 2017–2022 period. The plan has five strategic pillars: prevention, awareness, attention and protection for victims, prosecution of crime, international cooperation, and implementation, evaluation and monitoring. In addition, the National Commission against Trafficking in Persons (Comisión Nacional contra la Trata de Personas, CNCTP) is responsible for the design, execution and monitoring of the National Policy against this social issue. The Board of the National Commission against Trafficking in Persons publishes an annual report on the progress made in the fight against trafficking in persons.

There are procedures and policies to ensure the reduction of risks for migrants, particularly for those in transit. IOM and the Ministry of Public Security are implementing a cooperation project to strengthen the response to migration crises in Panama. The Temporary Shelter Management Manual in Panama, developed through this collaboration, aims to strengthen the technical capabilities of the institutions involved in the humanitarian response.

Decree Law No. 8 of 2008 created the National Border Service of the Republic of Panama as an institution of the police specialized on border areas. Its personnel must complete a training period that includes topics such as the Constitution and national laws and assistance to tourists in case of emergency. In 2017, agents received training courses in English and Portuguese at the Language Centre of the University of Panama in preparation for the World Youth Day. Agents also took French and Italian language courses in 2018.

### 6.2. Areas with potential for further development

The country does not have a policy or strategy to ensure that the detention of migrants is only used as a measure of last resort and that alternatives are sought. Section 85 of Law No. 3 of 2008 states that an irregular migrant will be subject to the orders of the Director General of the National Migration Service, who will have twenty-four hours to order the detention or release the migrant. In addition, Section 93 states that the National Migration Service will create short-stay preventive shelters designed to accommodate, at the institution's discretion, foreigners over 18 years of age who violate immigration legislation.

Panama has a consular coordination system to receive complaints related to missing migrants and carries out the necessary investigations. However, for cases that are not reported, Panama does not currently have mechanisms to locate and identify missing migrants on its territory. However, the country is making efforts to make progress in this regard. For example, in the Regional Conference on Migration (Conferencia Regional sobre Migración, CRM), Panama participated in a workshop organized with the support of the IOM and the International Committee of the Red Cross to promote guidelines for coordination and information exchange for the search of missing migrants.



KEY

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ANNEX

## MiGOF: Migration Governance Framework<sup>10</sup>

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.<sup>11</sup> IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of government” approach;
- (iii) Engages with partners to address migration and related issues;

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

<sup>10</sup> IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

<sup>11</sup> Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

## The MGI process



### 1 Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



### 2 Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



### 3 Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



### 4 Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal<sup>12</sup> and uploaded on IOM's Online Bookstore.<sup>13</sup>

<sup>12</sup> You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

<sup>13</sup> Please see <https://publications.iom.int/>.





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