
Migration flows on the American continent: a closer look at the transit through Panama to the US

Dr. Aniel Pahladsingh^ψ

*Autor para Correspondencia. E-mail: apahlads@casema.nl

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Resumen

La finalidad de este trabajo es profundizar en los flujos migratorios contemporáneos en el continente americano con una mirada específica al tránsito de migrantes de Panamá a los Estados Unidos de América. Se trata de un fenómeno cíclico que ha experimentado en los últimos meses un aumento exponencial. Para tal fin se analiza la problemática desde una perspectiva conceptual y temática (Panamá y Estados Unidos) pasando por un abordaje de incidentes recientes en Panamá como son los casos del incendio de la estación de migrantes en Metetí, Darién, así como la orden del Gobierno Nacional a Médicos Sin Fronteras de suspender la atención a migrantes en el Darién.

Palabras clave: migración, migrantes, flujo migratorio, crimmigración, Darién.

Abstract

The purpose of this work is to delve into contemporary migratory flows in the American hemisphere with a specific look at the transit of migrants from Panama to the United States of America. The author argues that the current flows are part of a cyclical phenomenon that has experienced an exponential increase in recent months. To this end, the problem is analyzed from a conceptual and thematic perspective (Panama and the United States) while also tackling recent incidents in Panama such as the cases of the fire at the migrant station in Metetí, Darién, as well as the Government's order to Doctors Without Borders to suspend their services for migrants in Darién.

Keywords: migration, migrants, migration flows, crimmigration, Darien.

^ψ Mr dr A. Pahladsingh, senior lawyer at the Dutch Ministry of Social Affairs and Employment, deputy judge at the district courts of Rotterdam (section administrative law) and Amsterdam (section criminal law) and research fellow at the Radboud University in Nijmegen. All views are strictly personal. The author would like to acknowledge the assistance of N. Valcheva (intern at The Hague International Research Institute Migration Law-HIRIM) for her research on this subject.

1. Introduction

In recent years, there has been a huge increase in migration flows on the North, Central and South American continents. These migrants come from different countries and continents and mostly have the United States (US) as their final destination. Furthermore, the reasons for migration are different due to the political situation in the country of origin (rule of law concerns), safety in the country of origin (violence), economic reasons (poverty) or because of climate challenges. The US has now intensified border controls to limit the access of these migrant flows to the US. One of these consequences may be that migrants will no longer reach their final destination. One of the countries through which the migrant flows go to the US is Panama. Panama is a transit country for many migrants who cross the border to Panama via Colombia through the Darién forest and then often continue via Costa Rica, then through Middle America to Mexico and with finally the US as destination. Panama has also seen a huge increase in migrants arriving since 2021. Now that the US is not accessible to all migrants, or some migrants return from the US border, there are more migrants in Panama than in previous years. I have visited Panama in July 2023 and January 2024. During my visits, I spoke with various actors which are involved with migration in Panama. During these meetings there was a dialogue and comparison with the situation in Europe regarding migration flows.

In this contribution I will discuss in more detail the current situation in Panama as a transit country in the migration flows on the American continent, where the US is often the ultimate destination. This article aims to provide a factual account of the migration flows on the American continent. Migration and the discussion about it and the political direction regarding migration in the US and Europe, but also in other parts of the world with migrants from Africa and Asia on the American continent, have major consequences for transit countries such as Panama. Despite all the attention paid to this topic, reliable data on migration flows are difficult to obtain, and officially published figures vary and are often incomplete, not accurate or inconsistent.¹ However, migration trends can be deduced from the available data, which I will discuss in this contribution.

I will first discuss the migration flows on the American continents in more detail (section 2). I will then discuss the situation in the US regarding migration flows in more detail, as that is the final destination for most migrants (section 3). I will then discuss the situation in Panama regarding migration flows in more detail and I will then make some suggestions regarding the situation in Panama to better regulate migration flows (section 4). Finally, I will end with some conclusions regarding the migration flows in Panama (section 5).

2. Migration flows on the American continents

Approximately 21.4 million forcibly displaced persons and other migrants have been observed by UNHCR in the Americas.² The number of migrants has further increased in recent years due to the ongoing global financial crisis.³ The migrant flows in the Americas consist of different groups such as

¹ See also, VAN BOCKEL, B., review Crimmigration and the Return Directive, EU Law Live (2024). <https://eulawlive.com/library/crimmigration-and-the-return-directive/>; See also UNHCR, Asylum system Panama, January-November 2023 <file:///H:/Downloads/Factsheet%20ASY%20PAN%20Nov%2023.pdf>.

² UNHCR, Update on UNHCR operations in the Americas (September 2023) <https://www.unhcr.org/sites/default/files/2023-09/Americas-74-ExCom-English.pdf>.

³ Ibid.

refugees, asylum seekers, economic migrants, internally displaced persons and irregular migrants. It is important to differentiate these groups and therefore I will point out the right definitions.

Definitions

The 1951 Refugee Convention defines a refugee as a person who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country".⁴ The expanded refugee definition of the Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama "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."⁵ UNHCR has pointed out that not all local legislation in Panama does include the expanded refugee definition from the Cartagena Declaration on Refugees.⁶

An asylum seeker is "a person who has left their country and is seeking protection from persecution and serious human rights violations in another country, but who hasn't yet been legally recognized as a refugee and is waiting to receive a decision on their asylum claim".⁷

There is no internationally accepted legal definition of a migrant. Like most agencies and organizations, I define migrants as "people staying outside their country of origin, who are not asylum seekers or refugees".⁸

The definition of an internally displaced person is a "person who has been forced or obliged to flee or to leave their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internationally recognized border".⁹

An irregular migrant is a person that "takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination".¹⁰

Migration flows

UNHCR report shows a further increase in the number of internally displaced people in Colombia, El Salvador, Honduras, Guatemala and Mexico.¹¹ Report shows that the number of people migrating

⁴ Article 1A (2) of the Convention relating to the Status of Refugees, ADOPTED 28 July 1951 BY United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. See more UNHCR - Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, February 2019; Cathryn Costello, Michelle Foster, Jane McAdam, The Oxford Handbook of International Refugee Law, Oxford Public International Law (2021).

⁵ https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf.

⁶ UNHCR, Asylum system in Panama, January-November 2023, <file:///H:/Downloads/Factsheet%20ASY%20PAN%20Nov%202023.pdf>.

⁷ IOM, Key Migration Terms: <https://www.iom.int/key-migration-terms> An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

⁸ Amnesty International, REFUGEES, ASYLUM SEEKERS AND MIGRANTS, <https://www.amnesty.org/en/what-we-do/refugees-asylum-seekers-and-migrants/>.

⁹ The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2).

¹⁰ IOM, Key Migration Terms: <https://www.iom.int/key-migration-terms>.

¹¹ UNHCR, CRITICAL NEEDS IN THE AMERICAS, August 2023.

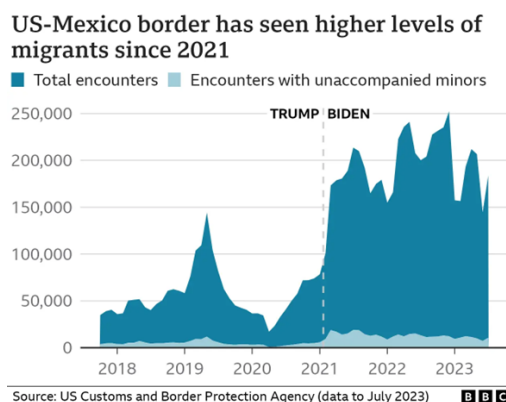
from Latin America and the Caribbean has increased dramatically. In 2015 this was 33 million people, in 2022 this number will be 45 million people. This observation comes into focus at the Mexico-US border.¹²

Furthermore, the Americas are confronted with different migration flows from different countries. UNHCR report shows that the largest groups of migrants come from Venezuela, Colombia, Central American countries (such as Nicaragua) and Haiti.¹³ The size of these migration flows has increased in recent years and has become more complex. The figures show that the largest group of migrants comes from Venezuela (more than 7.24 million), of which more than six million people reside in Latin America and the Caribbean.

Due to restrictive measures in the European Union and North America on migration persons from Asia and Africa migrate to Latin America. Some of them receive a residence permit (Asians) or a humanitarian status (Syria, African countries).¹⁴ Other persons try to start their journey from Latin America to their final destination the US. Furthermore, migration flows are noticed from the Caribbean countries to the Americas from countries such as Haiti, Cuba and the Dominican Republic.

3. United States

Since 2018, many migrants have come from Central America to the US for different reasons such as gang violence, poverty, political repression and natural disasters. A decline can be seen in 2020 due to the travel restrictions during the COVID-19 pandemic.¹⁵ After the lock down the migration flows to the US have increased, reaching a record high of just over 302,000 in December 2023.¹⁶



The numbers of migrants to the US seem to rise significantly from the moment Biden is president. The question rises if there is any explanation for this sudden increase. One explanation for this increase in migration flows is the global migration trends in which persons from the Global South try to migrate

¹² An Unprecedented Migration Crisis: Characterizing and Analyzing its Depth, The Dialogue Leadership of the Americas, 2023: <https://www.thedialogue.org/blogs/2023/11/an-unprecedented-migration-crisis-characterizing-and-analyzing-its-depth/>.

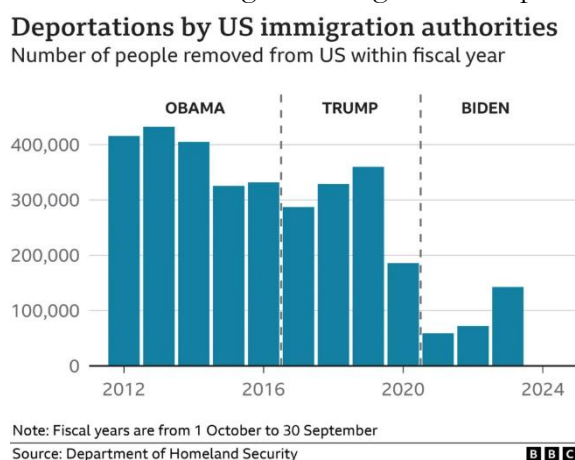
¹³ UNHCR, CRITICAL NEEDS IN THE AMERICAS, August 2023.

¹⁴ Inter-American Development Bank; Migration Flows in Latin America and the Caribbean: Statistics on Permits for Migrants, 2021; A. Solimano, Globalization and international migration: the Latin American Experience, Cepal Review, 2023, p. 53-69.

¹⁵ DEBUSMANN JR, Bernd, Three reasons why so many migrants want to cross from Mexico to US, BBC, February 2024: <https://www.bbc.com/news/world-us-canada-68208637>.

¹⁶ Ibid.

to the Global North. This is supported with statistics from Organization for Economic Co-operation and Development (OECD) that show that the “permanent migration to OECD countries reached 6.1 million in 2022, a 26% increase compared with 2021, and its highest level since at least 2005. 15 out of the 38 OECD countries registered in 2022 their highest levels of permanent migration over the past 15 years”.¹⁷ Another interesting aspect is that the number of asylum applications in the US doubled in 2022, spurred on by Venezuela and Nicaragua and Cuban migrants.¹⁸ But the migrants now also come from parts other than Central and South America. There are now also groups of migrants from West Africa, China, India and the Middle East. It is striking that more than 37,000 Chinese nationals are detained at the US-Mexico border. This represents an increase of 50 times in a two-year period.¹⁹ Between October 2022 and September 2023, there were 3.1 million attempts to cross the US southern border.²⁰ According to the Department of Homeland Security around 600,000 migrants were able to cross the border undetected.²¹ Experts in the US explain the increase in migration flows to the US as being due to factors such as insecurity and war in a state and economic decline in a state that cause people to leave their country to build a better future elsewhere.²² But there are factors that make the US attractive as a migration country. Experts in the US point out at the good economic situation and a favorable immigration policy in the US.²³ But migrants also have the impression that it has become easier to enter the US and obtain residence there. This view was also heavily used by human traffickers to convince migrants to go to the US.²⁴ Furthermore, the figures show that the Biden administration is detaining fewer migrants than previous governments.



¹⁷ OECD, International migration flows to OECD countries and labour market outcomes of immigrants at record highs, 2023 <https://www.oecd.org/newsroom/international-migration-flows-to-oecd-countries-and-labour-market-outcomes-of-immigrants-at-record-highs.htm>.

¹⁸ DEBUSMANN JR, Bernd, Three reasons why so many migrants want to cross from Mexico to US, BBC, February 2024: <https://www.bbc.com/news/world-us-canada-68208637>.

¹⁹ Ibid.

²⁰ US Customs and Border Protection, CBP Releases December 2023 Monthly Update, January 2024: <https://www.cbp.gov/newsroom/national-media-release/cbp-releases-december-2023-monthly-update>.

²¹ Ibid.

²² LEONHARDT, David, The Surge at the Border, New York Times, December 2023: <https://www.nytimes.com/2023/12/18/briefing/immigration-debate.html>.

²³ Ibid.

²⁴ Ibid.

According to Stumpf the “intersection of crime and immigration has acquired a label: crimmigration”.²⁵ Securitization measures in the US have been reduced during the Biden administration, resulting in less crimmigration legislation in the US.²⁶ One example is that over half a million migrants were expelled under Title 42, a policy enacted during the pandemic that allowed border officials to expel migrants without a deportation hearing. The Biden administration lifted the policy in May 2023.²⁷

The migration flows at the border of Mexico and the US is a major discussion point in the US elections 2024 between the Democratic party and the Republican party. The Republican party in Congress has proposed bills to restrict migration flows to the US. One of the proposed measures is a temporarily closure of the border and more legal grounds for detention of migrants.²⁸ Moreover, on 4 February 2024 the Biden administration has proposed to pass the Bipartisan National Security Agreement which includes several restrictive measures such as the possibility for the President and Secretary of Homeland Security a temporary shutdown of the border when the system is overwhelmed, recalibrations of the asylum screening process, more investment in capacity (more asylum officers and immigration judges) and border security.²⁹ Unfortunately, the Democratic and Republican parties remain too divided on how to limit migration flows for a comprehensive bill to be passed by the legislature.³⁰

Given the massive influx of migrants into the US, it is inevitable that authorities will introduce restrictive measures to limit this flow. I believe the solution lies in more cooperation with other states on the continent, information campaigns towards migrants, stronger border enforcement with more resources and capacity available to the authorities, combined with new rules for migrants to legally enter the US.

The increased influx of migrants is causing enormous backlogs at the judicial institutions in asylum and migration cases in the US. The long duration of these legal proceedings also delays the return of migrants to their country of origin. In the US around 1.5 million new cases were added to the immigration court system in 2022.³¹ Only a small number of new cases were decided in the year in which they were added. As of the end of 2023, about 1.8 million of the new arrivals remained in the US with their cases on hold or other forms of temporary status.³²

²⁵ STUMPF, J.P., “The Crimmigration Crisis: Immigrants, Crime and Sovereign Power”, *American University Law Review*, volume 56, no. 2, (2006), pp. 367-419.

²⁶ STUMPF, J.P., “The Crimmigration Crisis: Immigrants, Crime and Sovereign Power”, *American University Law Review*, volume 56, no. 2, (2006), pp. 367-419; A. Pahladsingh, *Crimmigration and the Return Directive*, Eleven Publishers, 2023.

²⁷ ALVAREZ, Priscilla, Authorities encountering record number of migrants at the border each day amid unprecedented surge, CNN, December 2023: <https://edition.cnn.com/2023/12/22/politics/border-surge-record-amounts/index.html>.

²⁸ LEONHARDT, David, The Surge at the Border, New York Times, December 2023: <https://www.nytimes.com/2023/12/18/briefing/immigration-debate.html>.

²⁹ The White House, Statement from President Joe Biden on Bipartisan Senate National Security Agreement, February 2024: <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/04/statement-from-president-joe-biden-on-bipartisan-senate-national-security-agreement/>.

³⁰ LEONHARDT, David, The Surge at the Border, New York Times, December 2023: <https://www.nytimes.com/2023/12/18/briefing/immigration-debate.html>.

³¹ RATTNER, Steven and WHITE, Maureen, How to Fix America’s Immigration Crisis, New York Times, January 2024: <https://www.nytimes.com/interactive/2024/01/09/opinion/immigration-in-one-chart.html>.

³² Ibid

4. Panama

The Republic of Panama is a country in Central America. Panama is bordered by Costa Rica to the west, Colombia to the southeast, the Caribbean Sea to the north and the Pacific Ocean to the south. Almost half of Panama's residents live in the capital Panama City. Panama has more than 4 million inhabitants.³³

The sheer scale of migration through Panama is staggering. In 2019, an estimated 24,000 migrants passed through Panama.³⁴ From 2021 onwards there is an increase in the number of migrants in Panama who are mainly in transit with the US as their final destination. The migrants travel through the dangerous Darién Gap via Colombia to Panama on their way to the US. In 2022 around 250.000 migrants crossed Panama.³⁵ This mainly concerns Haitians, Venezuelans, Cubans, nationals of Ecuador, China, Africans and other Asians who crossed from Panama through Central America to reach the US.³⁶ In the end 2023, 520,000 persons have crossed the Darién Gap from Colombia to Panama.³⁷ For 2024 the expectation is that 800.000 to 1.000.000 persons will try to migrate through Panama. From these figures I deduce a further large increase in migration flows to Panama. This means an extraordinarily high increase of the number of arrivals in Panama since 2019.³⁸ Another conclusion is that between 13 percent (in 2023) and 25 percent (expectations in 2024) of migrants have crossed Panama in comparison to Panama's own population. This is a huge flow of migration through Panama with all kinds of effects on this State.

The data published by the government of Panama for the period January to August 2023 shows in more detail how the migrant flows are composed. More than 53.2 percent concern adult men, 25.34

³³ World Population Prospects 2022". United Nations Department of Economic and Social Affairs, Population Division. Retrieved July 17, 2022.

³⁴ PAHLADSINGH, A. Diplomat Magazine 2023.

³⁵ YATES, Caitlyn and PAPIER, Juan, 'How the Treacherous Darien Gap Became a Migration Crossroads of the Americas', Migration Information Source, September 20, 2023.

³⁶ Integral Human Development, Migration Profile Panama, 2022: <https://migrants-refugees.va/country-profile/panama/>; VILLALÓN, Carlos, PATON WALSH, Nick, GALLÓN, Natalie and LAINÉ, Brice, On one of the world's most dangerous migrant routes, a cartel makes millions off the American dream, CNN, April 2023: <https://edition.cnn.com/2023/04/15/americas/darien-gap-migrants-colombia-panama-whole-story-cmd-intl/index.html>.

³⁷ Datos Abiertos, Migración – Irregulares en tránsito por Darién por país 2023: <https://www.datosabiertos.gob.pa/dataset/migracion-irregulares-en-transito-por-darien-por-pais-2023>: According to the Panamanian government, a record number of more than 520,000 migrants crossed the Darién Gap; see also B. Goldberg, In the Darién, Refugees Receive Help All Along the Way, HIAS, 2023. <https://hias.org/news/cross-border-programs-provide-vital-support-gbv-survivors-and-lgbtq-people-darien-gap/> See also, REUTERS, Record half-million migrants crossed Latin America's dangerous Darien Gap in 2023, January 2024: <https://www.reuters.com/world/americas/record-half-million-migrants-crossed-latin-americas-dangerous-darien-gap-2023-2024-01-03/>: according to Reuters 520.000 migrants crossed Panama in 2023.

³⁸ UNHCR, Executive Committee of the High Commissioner's Programme, Update on UNHCR operations in the Americas, 25 September 2023: <https://www.unhcr.org/sites/default/files/2023-09/Americas-74-ExCom-English.pdf> <https://www.datosabiertos.gob.pa/dataset/migracion-irregulares-en-transito-por-darien-por-pais-2023>: According to the Panamanian government, a record number of more than 520,000 migrants crossed the Darién Gap; see also, B. Goldberg, In the Darién, Refugees Receive Help All Along the Way, HIAS, 2023. <https://hias.org/news/cross-border-programs-provide-vital-support-gbv-survivors-and-lgbtq-people-darien-gap/> See also, REUTERS, Record half-million migrants crossed Latin America's dangerous Darien Gap in 2023, January 2024: <https://www.reuters.com/world/americas/record-half-million-migrants-crossed-latin-americas-dangerous-darien-gap-2023-2024-01-03/>: according to Reuters 520.000 migrants crossed Panama in 2023.

percent concern adult women and 21.46 percent concern children.³⁹ Regarding nationalities, approximately 90.74 percent came from South America and the Caribbean.⁴⁰ More than 9.26 percent of migrants came from outside the continent. The top 3 consisted of migrants from China (3.89 percent), India (1.00 percent) and Afghanistan (0.75 percent). The IOM has observed that the number of Africans crossing this border has decreased by 65 percent since 2022.⁴¹ There is no clear explanation for this decline in migrants from Africa.

To regulate the large migration flows from the Darién gap, Panama authorities are trying to restrict the entry of migrants into the country from the border towns.⁴² One of these measures concerns the tightening of admission requirements and the possibility of accelerated deportations of migrants with a criminal record.⁴³ In addition, Panama is working with Costa Rica to create more bus routes to transport migrants from southern border cities to northern border cities.⁴⁴ Since February 2023, efforts have been underway to increase cooperation on the border between Panama and Colombia with the support of the US to regulate migrant flows from Darién, but there are signs that these talks are proving difficult.⁴⁵

There is information showing that there is a growing number of migrants who have become victims of gender-based violence (such as sexual violence against women and LGBTQ people).⁴⁶ Many migrants travel through several countries before reaching Panama. They then need adequate protection. HIAS has implemented cross-border programs, which provide an innovative way to support GBV survivors and LGBTQ people in the Darién province. “These programs, funded by AECID, UNHCR and the Hilton Foundation, provide route risk information, psychological counseling services and legal support to people in Colombia, Panama, Costa Rica and Honduras”.⁴⁷ These initiatives can be considered positive from a human perspective and are essential. There are reports regarding these migration flows showing an increase of sexual violence against women in which a high number of sexually transmitted diseases have been identified. This leads to a danger to public health in Panama.

³⁹ Servicio Nacional de Migración, Cuadros de Tránsito Irregular de Extranjeros por la frontera con Colombia: https://www.migracion.gob.pa/images/img2023/pdf/TR%C3%81NSITO_IRREGULAR_POR_DARI%C3%89N.pdf.

⁴⁰ REUTERS, Record half-million migrants crossed Latin America’s dangerous Darien Gap in 2023, January 2024: <https://www.datosabiertos.gob.pa/dataset/migracion-irregulares-en-transito-por-darien-por-pais-2023>.

⁴¹ IOM, Unprecedented Migrant Surge in Central America and Mexico; IOM Calls for Regional Action, September 2023: <https://www.iom.int/news/unprecedented-migrant-surge-central-america-and-mexico-iom-calls-regional-action>.

⁴² Associated Press, Panamá y Costa Rica inician plan de movilidad del flujo migratorio procedente del Darién, Independent en Español, Octubre 2023: <https://www.independentespanol.com/noticias/america-latina/panama-y-costa-rica-inician-plan-de-movilidad-del-flujo-migratorio-procedente-del-darien-b2427600.html>.

⁴³ IOM, Unprecedented Migrant Surge in Central America and Mexico; IOM Calls for Regional Action, September 2023: <https://www.iom.int/news/unprecedented-migrant-surge-central-america-and-mexico-iom-calls-regional-action>.

⁴⁴ PAPIER, Juan, How the Treacherous Darien Gap Became a Migration Crossroads of the Americas, Human Rights Watch, October 2023: <https://www.hrw.org/news/2023/10/10/how-treacherous-darien-gap-became-migration-crossroads-america>.

⁴⁵ YATES, Caitlyn and PAPIER, Juan, “Cómo el peligroso Tapón del Darién se convirtió en la encrucijada migratoria de las Américas”, The Online Journal of the Migration Policy Institute, October 2023:

<https://www.migrationpolicy.org/article/tapon-darien-encrucijada-migratoria-america>; TAYLOR, Luke, ‘Terrifying’: Critics decry US plan to stop migrants at Darién Gap, The Guardian, April 2023: <https://www.theguardian.com/global-development/2023/apr/14/darien-gap-panama-colombia-us-agreement-migrants>.

⁴⁶ GOLDBERG, B., In the Darién, Refugees Receive Help All Along the Way, HIAS, 2023.

<https://hias.org/news/cross-border-programs-provide-vital-support-gbv-survivors-and-lgbtq-people-darien-gap/>.

⁴⁷ Ibid.

While Panama has demonstrated hospitality in receiving migrants, this influx has stretched the country's reception capacity and procedures. A recent incident on 2 March 2024 has demonstrated the challenges for Panama as migrants have destroyed a reception center in the Darien region.⁴⁸

The economic impact of excessive migration flows on Panama cannot be underestimated.

However, the Guardian published on 9 March 2024, that Panama has instructed Doctors Without Borders (MSF) to stop with providing care to migrants passing through the Darién Gap due to the fact that MSF has not extended the agreement with Panama. This is a worrying development as the medical teams provide physical and mental health care to almost 5,000 people per month in which there are also victims who have experienced sexual violence in the Darién Gap.⁴⁹ MSF should take the initiative to extend the agreement with Panama. This drastic measure by the Panamanian authorities appears to be inspired by criticism from the US that Panama is not taking restrictive measures to limit migration flows.⁵⁰ This measure should have a deterrent effect to limit migration flows, but will mean that migrants who have made the crossing will lack humanitarian and necessary medical care. Although it is clear that the Panamanian government has major problems with regard to the high migration flows, the question arises which consequences this measure will have on the migration flows in the context of the humanitarian situation.

Furthermore, I would like point out that Darién is an UNESCO World Heritage Site in Central America with conservation efforts underway by the Panamanian government.⁵¹ Moreover, the perilous journey many migrants undertake through the inhospitable Darién forest, a national reserve inhabited by indigenous people, has led to significant environmental degradation. This includes damage to flora and fauna, a consequence that demands urgent attention.⁵² This route through the Darién Gap is extremely dangerous. It concerns a 106 km long mountainous stretch of inhospitable jungle that also involves crossing rivers.⁵³ Furthermore, there are reports showing that the migrants are also victims of various criminal offenses such as theft, assault, rape and there have even been deaths.⁵⁴ These negative aspects surrounding migration are not sufficiently known to migrants. Crime is so organized that there are different packages to guide the migrant through a major part of their journey. There are visible identified elements (such as colors of bracelets) which makes it clear the fees paid by the migrants, but they do also expose them to violence between the migrants as the best color of bracelet is attractive to have during this journey.

⁴⁸ HOUSTON CHRONICLE, Migrant brawl at reception center in Panama's Darien region destroys shelter, March 2024: <https://www.houstonchronicle.com/news/world/article/migrant-brawl-at-reception-center-in-panama-s-18699998.php>.

⁴⁹ TAYLOR, Luke, Panama orders MSF to stop treating people who crossed Darién Gap, The Guardian, March 2024: <https://www.theguardian.com/global-development/2024/mar/08/panama-darien-gap-doctors-without-borders-msf>; NOS Nieuws, Artsen zonder Grenzen moet van Panama stoppen met helpen migranten, March 2024: <https://nos.nl/artikel/2512033-artsen-zonder-grenzen-moet-van-panama-stoppen-met-helpen-migranten>.

⁵⁰ NOS Nieuws, Artsen zonder Grenzen moet van Panama stoppen met helpen migranten, March 2024: <https://nos.nl/artikel/2512033-artsen-zonder-grenzen-moet-van-panama-stoppen-met-helpen-migranten>.

⁵¹ UNESCO, Darien National Park: <https://whc.unesco.org/en/list/159/>.

⁵² PAHLADSINGH, A., Deputy Judge Aniel Pahladsingh Advocates for Balanced Migration Management During Panama Visit, Diplomat Magazine 2023.

⁵³ FERNÁNDEZ, Belén, The Darién Gap: A deadly extension of the US border, *Al Jazeera*, October 2022, <https://www.aljazeera.com/opinions/2022/10/27/the-darien-gap-a-deadly-extension-of-the-us-border>.

⁵⁴ Ibid.

5. Conclusions

Although the figures regarding migration on the American continent are not always consistent, a number of clear trends regarding migration flows can be deduced. This is important for the States on the American continent to conduct adequate migration management. There are specific reasons for the migration flows on the American continents. The first reason is due to economic and labor opportunities. The second reason is due to the internal political conditions in several countries and rule of law concerns such as Venezuela, Nicaragua, Ecuador. The third reason is due to drug trafficking and violence in countries and the fourth reason is due to climate challenges. The fifth reason is due to the restrictive measures in the EU regarding migration attracting persons from Africa and Asia to the Americas.

Various migration flows from countries such as Venezuela, Colombia, Cuba, Haiti, and Ecuador were noted, each driven by a mix of political, economic, safety, rule of law, and environmental reasons. What's more, there has been a noticeable shift in migration patterns from Africa and Asia towards Latin America, as strict migration rules in Europe and North America prompt migrants to explore alternative routes in which the migrants mostly have the US as their final destination.

One of the most striking observations is that Panama most often serves as a transit country for migrants with aspirations of reaching North America (mostly US). In 2023 around 13 percent and according to expectations in 2024 around 25 percent of migrants in comparison to Panama's own population will cross Panama. This is a huge flow of migration through Panama with all kinds of effects on this State. However, many of these migrants do not make it past the intensive border controls imposed by the US, leading them to return through Panama. Migrants could stay then more in Panama or they will try to find alternative routes (for example by sea through the Caribbean islands) to reach the US. From the perspective of the Netherlands, it is therefore important to cooperate with States in this region and to invest in the Dutch islands in the Caribbean regarding migration control and in the asylum and migration procedures and reception centers in these islands. One scenario is that, as a result of Mexico's announcement to send migrants back via buses, some of these migrants will go the Dutch islands in the Caribbean. Given the limited capacities with regard to the reception of migrants, this scenario could also lead to serious challenges on these islands.

“Despite all the efforts Panama is already doing, in my opinion there are several solutions in order to regulate the migration flows in the region to create a more effective migration management. There should be more cooperation on migration flows from other countries in the region as well as the USA (country of destination). Accurate and reliable figures are necessary to implement a good migration policy”⁵⁵

This contribution shows that Panama is experiencing enormous problems with the migration flows that will increase in 2024. The migration flows which are described in this contribution shows the economic burden on States and the human sides and risks which are related to these migration flows. It is also clear that Panama faces enormous challenges in taking effective measures to achieve good migration management. Effective measures are more likely to be found in more investment in border control (capacity), measures to combat human trafficking, better cooperation with other countries in

⁵⁵ PAHLADSINGH, A., Deputy Judge Aniel Pahladsingh Advocates for Balanced Migration Management During Panama Visit, Diplomat Magazine (2023).

the region to limit migration flows (such as Colombia) on and realizing readmission agreements with the countries of origin.

Tragically, the journey for migrants through this forest also exposes them to grave dangers, such as human smuggling and, in some cases, sexual exploitation. It is organized crime groups that primarily benefit from these tragic situations. This organized crime is earning from human smuggling and/or in combination with drug trafficking. In my opinion, States will have to work together to effectively combat human trafficking and drug trafficking. These migration flow also have caused negative environmental consequences for the Darién flora and fauna and the indigenous population living there.

In light of these challenges, I suggest a series of solutions to regulate migration flows more effectively in the region:

Enhanced Cooperation on Migration Flows

Regional collaboration is paramount. Countries in Latin America, as well as the US as the destination country, should work together to establish coherent migration policies and share accurate and reliable data.⁵⁶ Moreover, sharing of knowledge is crucial for devising informed policies and strategies. In this regard, I would like to point out at the Ibero-American Network of Migration Authorities (RIAM-2012), which is an Inter-regional forum on migration which contains in the exchange of good practices and cooperation between migration authorities.⁵⁷ Furthermore, another important cooperation form is the Quito Process (2018) which contains technical exchange, information and good practices Venezuelan migrants Latin America and Caribbean (non-binding declarations).

Increased Financial Investment: improvement asylum and immigration procedures

Panama's commitment to dedicating \$65 million in direct assistance to migrants is commendable. However, with additional economic support from other countries, more can be done to improve asylum and immigration procedures. As more migrants are migrating through Panama, more asylum and immigration requests are made by migrants to stay in Panama. This will mean more capacity investment in these national procedures in Panama. UNHCR pointed out that in 2023 around 8283 asylum seekers were registered in Panama of which 2696 were granted refugee ship.⁵⁸ In the asylum procedure it is important that asylum seekers have access to the procedure, legal remedies and legal assistance. Furthermore, language problems can occur, and special attention is essential for specific groups (unaccompanied minors, women, traumata). Practicality is essential in addressing the complex issue of migration. In this perspective, practical solutions are essential that complement those that Panama has already implemented to ensure the well-being of migrants and its own citizens.

Readmission Agreements

Creating incentives for deportation through readmission agreements with countries of migrant origin can help regulate migration flows. Regarding to the security and irregular stay of migrants in Panama more investment in border police control is essential.

Information Campaigns

⁵⁶ See, footnote 1.

⁵⁷ IOM, Ibero-American Network of Migration Authorities: <https://www.iom.int/ibero-american-network-migration-authorities-riam> (19 Member States: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Spain, Guatemala, Honduras, México, Nicaragua, Panamá, Paraguay, Perú, República Dominicana, Uruguay, Venezuela).

⁵⁸ UNHCR, Asylum system Panama, January-November 2023 <file:///H:/Downloads/Factsheet%20ASY%20PAN%20Nov%2023.pdf>.

The US and the States in the region should inform the migrants in the countries of origin regarding the dangers of the migration routes to the US such as the dangerous routes and being victims of criminal offences. The States could make information pamphlets or use social media platforms to inform potential migrants about the risks on their migration routes to the US (safety aspects and abuse risks). These efforts could reduce the migration flows.

Investment in combatting human trafficking

Authorities can conduct more investigations into human traffickers and persons who facilitate human trafficking. Proactive research into victims of human trafficking is necessary even as the prosecution and conviction of human traffickers. Another aspect is to invest in more training of enforcement officers and prosecutors to investigate and prosecute traffickers who use the crime of human trafficking. Moreover, setting up and financing a specialized shelter for human trafficking is essential for the victims.⁵⁹

International Cooperation and Investment

To address the root causes of migration, international cooperation and investments are necessary to improve political and economic conditions in the countries from which these migration flows originate.

Finally, this contribution is a call to action which is a roadmap to address the complexities of migration flows on the American continent. As we navigate the challenges of our ever-changing world, I hope to offer practical solutions for a better future.

⁵⁹ US State Department, 2022 Trafficking in Persons Report: Panama, <https://www.state.gov/reports/2022-trafficking-in-persons-report/panama/#:~:text=As%20reported%20over%20the%20past,from%20South%20and%20Central%20America.>