

SEAFARER SUBJECT GUIDE

ABANDONMENT IN PANAMA

This Guide deals with the situation where seafarers are abandoned in a port in Panama as well as where seafarers are abandoned on a Panamanian flagged vessel in a port outside Panama. This document is not intended to be legal advice, nor does it constitute legal advice. If a seafarer is abandoned, he is strongly advised to consult a lawyer qualified to practise in Panama.

*A full text version of this Subject Guide including footnotes will become available for subscription in due course. In the meantime if there is a specific inquiry on any Subject Guide, please contact SRI.

1. When is a seafarer considered abandoned according to national case law or legislation? Is there any special legislation concerning abandoned crew?

- 1.1 There is no definition in the local law of an abandoned seafarer. Nevertheless, a vessel (and as consequence its crew) is deemed abandoned after one month of being arrested, or even before when the expenses to maintain and custody of the vessel are not provided; in which case the judge will order its sale.
- 1.2 The Maritime Labour Convention 2006 ('the MLC') was ratified by means of Law 2 of 6 February 2009. The MLC and its regulation by means of Executive Decree 86 came into force on 22 August 2013. From that date, Panamanian vessels have been required to bear a financial guarantee to cover repatriation expenses. Exactly how this guarantee is to be provided and its value is still subject to development.
- 1.3 To cover the repatriation expenses of seafarers on board foreign vessels, the Panama Maritime Authority will follow the rules of the MLC, calling first on the countries of the relevant flag, and failing this, proceeding with the repatriation and later collecting the expenses from the corresponding country.

2. What is the immigration status of abandoned seafarers?

- 2.1 To avoid the status of being illegally in the country, and to obtain special cards to stay in the country only for the time necessary to leave, seafarers should immediately report their situation to the Panama Maritime Authority, specifically to the Seafarers Directorate and to the immigration authorities.
- 2.2 As the immigration authorities will require the seafarers to produce air flight tickets, the procedure should be started as soon as possible as it may take some time to obtain funds for the repatriation.

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3. Can an abandoned seafarer get shore leave?

- 3.1 An abandoned seafarer can get shore leave. To obtain special cards to stay in the country only for the time necessary to leave, seafarers should immediately report their situation to the Panama Maritime Authority, specifically to the Seafarers Directorate and to the immigration authorities.
- 3.2 As the immigration authorities will require the seafarers to produce air flight tickets, the procedure should be started as soon as possible as it may take some time to obtain funds for the repatriation.

4. Is abandonment of seafarers considered a crime?

- 4.1 The abandonment of seafarers is not considered a crime.

5. What entities and/or persons may be involved with or assist an abandoned crew?

- 5.1 Various entities and/or persons may be involved with or assist an abandoned crew.
- 5.2 Lawyers

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

- 5.2.1 In addition, reference may be made to the Guide on Using Lawyers and Fact File available on the SRI app and at

https://www.seafarersrights.org/seafarers_subjects/using_lawyers/

- 5.3 ITF Inspectors and union officials

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

- 5.4 Welfare agencies

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

- 5.5 Governments and Embassies

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Additionally the seafarer may need to access government official websites, including lists of embassies, to find an appropriate contact.