

STUDIO PANAMA ITALIA OBSERVATORY

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When Marketing Precedes Law

Social media, unqualified intermediation, and risk transfer in assisted migration to Panama

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Abstract

In brief

The mass promotion of Panamanian residency on social-entertainment platforms, from Instagram to TikTok, from Facebook to Telegram and YouTube, has in recent years produced a low-cost intermediation market that decouples the price of a service from its legal content. This working paper examines the phenomenon through three converging lenses.

On the social level, it shows that those who genuinely seek foreign residency do not turn to an entertainment channel but to institutional sources. On the legal level, it sets out what Panamanian law actually requires, namely a licensed attorney for migration, a lawyer resident agent, and a lawful basis for processing data, and demonstrates that the non-resident intermediary can satisfy none of these three requirements. On the economic level, it identifies the mechanism by which a far-below-market price is not a saving but a signal: the measure of what is missing.

The thesis is that the promotional-intermediation model transfers to the client a legal, fiscal, and data-protection risk that the price does not discount, and that the client's most effective defence is not trust but verification.

Key points of the document

- Those who approach a high-impact decision with judgment start from institutional sources, not from a channel built to capture attention.
- Residency applications before the National Migration Service must be filed by an attorney licensed in Panama, enrolled with the National Bar Association.
- The resident agent of companies and foundations may only be a lawyer or a firm licensed in Panama (Decreto Ejecutivo 809 of 2014).
- Data processing is governed by Law 81 of 2019, with ANTAI as supervisory authority and a duty of secrecy that persists over time.
- A lawyer or firm in Italy does not grant Panamanian residency, and a tax adviser is not licensed to perform reserved legal acts in Panama.
- A far-below-market price is not efficiency: it is the measure of the legal content that has been removed.

Part I

Where those who want to emigrate actually look

In recent years the word Panama has become viral content. Accounts promising residency, companies, bank accounts, and tax freedom have turned a complex legal procedure into an entertainment format: short videos, promises of reduced costs, invitations to write in private chat. This paper makes no accusation against any specific operator; it observes a market dynamic and measures its consequences for those who rely on it.

1.1 An observable phenomenon and a note of honesty

The method is the Observatory's: describe the phenomenon, test it against the law in force, and isolate the mechanism that produces the harm. A premise opens the analysis. The issue is not online versus offline: a serious professional today has a digital presence, and this very firm operates through a website. The issue is the difference in register between a professional's institutional presence and the entertainer's model of selling through virality. Everything turns on that difference.

1.2 Attention channel versus relationship of trust

Relocating one's residency, setting up a corporate structure abroad, managing the international tax position of a family or a business are decisions that affect wealth, legal status, and life for years. Those who approach them with judgment do not start from a channel built to capture attention, but from sources that exist to provide verifiable trust: the institutional websites of the authorities, public registries, professional bars, and firms with a verifiable seat and verifiable liability.

The distinction is structural, not snobbish. An entertainment platform has a model built on attention: its objective is to maximise watch time and engagement, not legal accuracy. A professional relationship, by contrast, is built on verifiable trust, that is, on the professional's identity, licensing, and disciplinary and financial liability. When a high-impact decision is made in the first setting rather than the second, the client has not chosen the wrong provider, they have chosen the wrong decision environment. From this follows a subtler effect: mass promotion often attracts the profile least suited to the jurisdiction, namely someone seeking a cheap, fast solution toward a country that is in fact selective, demanding on documentation, and far from inexpensive.

Part II

What Panamanian law actually requires

Here the analysis ceases to be opinion and becomes a test against the statute. Panamanian law imposes three requirements that the non-resident intermediary, by definition, cannot meet.

2.1 Migration requires an attorney licensed in Panama

Residency applications are filed before the National Migration Service and, under the Panamanian migration regime (Decreto Ley 3 of 2008), must be submitted by a licensed attorney, enrolled with the National Bar Association, by means of a power of attorney granted by the client. Without that lawyer's signature and representation, the migration authority will not accept the application. No unlicensed intermediary, in Italy or anywhere else, may represent the applicant or file the application in their own name. Anyone who promises to handle everything without being that lawyer is in fact relying on someone else's name, with a precise consequence: if the case stalls or is rejected, the client has no idea who bears professional and disciplinary responsibility for the act.

2.2 The resident agent must be a Panamanian lawyer

Every corporation and every private-interest foundation must appoint a resident agent. The figure derives from Ley 32 of 1927 and, under Article 5 of Decreto Ejecutivo 809 of 2014, may only be a lawyer or a law firm licensed to practise in Panama, holding a Unique Registration Code issued by the Superintendence of Non-Financial Subjects. The resident agent is, moreover, the party obliged to carry out due diligence and to keep beneficial-owner records. A foreign promoter is not, and cannot be, a resident agent: the client is left with a structure whose only link of formal responsibility resides outside the jurisdiction and outside any professional body able to answer for its conduct.

2.3 Data processing has a lawful basis and a supervisory authority

A residency or corporate matter involves collecting a passport, criminal-record certificate, and financial and banking documentation: personal data, often sensitive. In Panama, processing is governed by Law 81 of 26 March 2019, in force since 29 March 2021 and implemented by Decreto Ejecutivo 285 of 2021, with ANTAI as supervisory authority. The law imposes principles of purpose, fairness, confidentiality, and security, a lawful basis for processing, and a duty of secrecy that persists even after the relationship ends; it provides for fines between 1,000 and 10,000 dollars and the power to order the cessation of the activity. An intermediary who collects and stores these documents outside Panama, without a professional engagement and bound by no duty of secrecy, exposes the client to processing without a lawful basis and

without protection. Of the three, this is the most underestimated risk and the hardest to repair.

Legal basis

- Ley 32 of 26 February 1927, on corporations: establishing the resident agent.
- Decreto Ejecutivo 809 of 3 October 2014, Article 5: the resident agent must be a lawyer or a firm licensed in Panama.
- Decreto Ley 3 of 2008: migration regime and National Migration Service; representation through a licensed attorney.
- Law 81 of 26 March 2019 and Decreto Ejecutivo 285 of 2021: personal-data protection; supervisory authority ANTAI.

Part III

The mechanism of harm

Taken together, the three requirements explain the economic model of promotional intermediation and the precise point at which it produces harm. The non-resident intermediary can perform none of the three reserved acts. To deliver the service anyway, they must rely on a third-party Panamanian lawyer, often unknown to the client, taking their margin from the difference. This is the proxy model: the one who appears and collects is not the one who performs and answers. The client pays A, but their matter lives in the hands of B, whom they did not choose, whose name and licensing they do not know, and with whom they have no direct contractual relationship.

In this scheme the far-below-market price is not an efficiency; it is a measure of what is missing. A compliant matter has a cost reflecting the work of a licensed lawyer, due diligence, professional liability, and data-protection coverage. When the price falls far below that level, something of that content has been removed: the quality of document verification, the soundness of the structure, the clarity over responsibility, or the protection of data. The apparent saving is risk paid in advance.

3.1 A lawyer or firm in Italy does not grant Panamanian residency

They may be a competent counterpart on Italian and EU law, but the reserved act in Panama, that is, the filing before Migration and the resident agent, will still be performed by a Panamanian professional. The question the client must ask is not do you handle everything, but who actually performs the act, and who assumes professional and disciplinary responsibility for it.

3.2 A tax adviser is not a lawyer

A tax adviser is competent in the tax law of their own jurisdiction; they are not licensed to incorporate Panamanian entities as the responsible professional, to act as resident agent, or to represent an applicant in migration. Competence in one jurisdiction's tax law confers no authority to perform reserved legal acts in another. Selling residency, companies, and accounts without the credentials to perform them is not advice; it is intermediation that, once again, leans on someone else's name.

Part IV

The wall of questions

The client's defence is not generic distrust but a sequence of verifiable questions. If even one goes unanswered in writing, the risk is not hypothetical, it is structural. Before signing and paying, the client should obtain a written answer to each of these questions.

1. Who will be my resident agent? Name, licensing, and Unique Registration Code. Is it a lawyer or a firm licensed in Panama, verifiable in the registries?
2. Which firm and which lawyer take charge of the matter? Do I know the name and surname of the professional who signs, not merely the brand that contacted me?
3. In whose name will the migration case be filed? To whom do I grant the power of attorney, and can I verify their enrolment with the Panamanian bar?
4. Who processes my personal data? Where are my passport, criminal-record certificate, and financial documents stored, on what lawful basis, and who is bound by the duty of secrecy?
5. Who bears responsibility? If my counterpart is in Italy but the act is performed in Panama, what is the chain of responsibility, and to whom do I turn if something goes wrong?
6. Is there a written contract? Does it provide for a refund if the service is not rendered or does not match what was requested? What is the governing jurisdiction?
7. Is the contract balanced or one-sided? Does it contain clauses excluding all liability of the provider, requiring full advance payment without safeguards, or shifting jurisdiction to a forum that makes enforcing one's rights impossible?
8. Does the person selling me the service hold the credentials to perform it? Are they a lawyer licensed in Panama, or an intermediary reselling another's work?
9. Why is the price so low? Which part of the legal content, among verification, structure, responsibility, and data protection, has been removed to reach it?
10. What do I end up holding? A solid, verifiable residency, or a fragile position whose validity depends on a party over whom I have no leverage?

Part V

Institutional presence versus the influencer model

What remains is to explain why a serious professional does not communicate like an entertainer. The answer is not that real lawyers are not online, because many have institutional websites and profiles, and rightly so. The answer is one of professional ethics. Regulated professions are subject to codes of conduct that impose precise limits: dignity and decorum in communication, a prohibition on touting for clients, a prohibition on promising results.

A professional's institutional presence is therefore informative and verifiable: it explains, documents, and discloses its identity and liability. The entertainer's model works the opposite way: it lives on promises, urgency, bait pricing, and the capture of contacts in private chat. It is not a question of medium but of incentive. Where the incentive is virality, legal accuracy is a cost to be squeezed; where the incentive is responsibility, accuracy is the product.

Dimension	Institutional presence	Promotional model
Incentive	Verifiable responsibility	Virality and volume of contacts
Communication	Informative and documented	Promises, urgency, bait pricing
Identity	Name, licensing, seat	Brand and contact in private chat
Responsibility	Professional and disciplinary	Offloaded onto an unknown third party
Data processing	Lawful basis and duty of secrecy	Outside jurisdiction, without protection

That is why the promotional register and the professional one, even when they share the same platform, remain irreconcilable. Recognising the difference is already half the protection.

Conclusions

Conclusions

The phenomenon described is not an excess of marketing: it is an inversion of the proper order, in which marketing precedes and replaces law. The harm to the client does not arise from a single bad operator but from the model itself: unqualified intermediation that resells acts it cannot perform, offloads responsibility onto a professional the client does not know, and processes data without a lawful basis or a duty of secrecy, all at a price that is low precisely because it is incomplete.

The operational conclusion reduces to a principle: trust is not granted, it is verified. Before entrusting residency, structure, and data, the client has the right to know who their resident agent will be, which lawyer will sign their matter, in whose name it will be filed in migration, who will process their data and on what lawful basis, and what contractual safeguards they will have if something fails. A provider who answers these questions clearly and in writing is a provider one can work with. A provider who evades them is, in itself, the answer.

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Methodological note and series

This document is part of the Studio Panama Italia Observatory series and addresses, on the social, economic, and legal levels, promotional disintermediation in the assisted-migration market. The operational summary of the paper is published on the dedicated page at studiopanamaitalia.com.

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- The filing before Migration and the resident agent are entrusted to attorneys licensed to practise in Panamanian territory, with whom the client has direct contact.
- The firm maintains a legal department dedicated to migration.
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