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## FEATURED Q&A

# How Will U.S. Legislation Affect Migration Flows?



In exchange for passing U.S. President Joe Biden's national security package, Republicans in the U.S. Congress have demanded tougher immigration limits. Migrants in Mexico are pictured. // File Photo: Mexican Government.

**Q** Negotiations on U.S. President Joe Biden's national security package broke down earlier this month as congressional Republicans have demanded stricter immigration limits in exchange for their support. Tied to aid for Israel and Ukraine worth \$110 billion, the spending package included a clause that would impose tougher border security policies and more restrictions on migrants seeking refugee status. What are the most impactful immigration measures currently under consideration in the U.S. Congress, and how would they affect migration flows into the country? Would a higher threshold for refugee protection effectively curb the number of migrants at the border? What is the future of this bill, and how could it affect Biden's national security legislation?

**A** Adam Isacson, director for defense oversight at the Washington Office on Latin America: "The situation is fluid, but a small group of senators, meeting with Homeland Security Secretary Alejandro Mayorkas and in close touch with the White House, appears determined to reach a deal before Christmas, even if it means re-convening Congress next week. At the moment, though, it is more likely that nothing will get approved until January. Republicans are refusing to let the Biden administration's request—which includes money for Ukraine, Israel and the border—move forward unless it comes with restrictions on asylum and other protections for migrants, both at the border and inside the United States. News reports indicate that the White House has generally agreed to some draconian asylum restrictions reminiscent of the Trump years, like a presidential authority to shut down

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The presidents of Venezuela and Guyana met Thursday amid the countries' territorial dispute and agreed not to use force.

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German chemicals company BASF is reportedly considering a new lithium processing project in Chile. The company may construct a facility to produce cathode for electric vehicle batteries.

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### POLITICAL

## Guatemalan Court Orders Congress to 'Guarantee' Inauguration

Guatemala's constitutional court on Thursday ordered the country's Congress to guarantee President-elect Bernardo Arévalo's inauguration on Jan. 14. The attorney general's office has repeatedly targeted Arévalo and his party.

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Arévalo // File Photo: Facebook Page of Bernardo Arévalo.

## POLITICAL NEWS

## Venezuela, Guyana Presidents Agree Not to Use Force

The presidents of Venezuela and Guyana met Thursday and agreed not to use force or threats against each other amid the dispute over the oil-rich Essequibo region, which makes up two-thirds of Guyana's territory but that Venezuela claims as its own, Reuters reported. During the meeting between Venezuelan President Nicolás Maduro and his Guyanese counterpart, Irfaan Ali, the countries agreed to "refrain, whether by words or deeds, from escalating any conflict or disagreement." The two leaders met at the airport in Kingstown, the capital of St. Vincent and the Grenadines, alongside representatives of Brazil, Colombia and the United Nations as well as the regional Caricom and Celac blocs. "It was a fruitful day, intense, at moments tense, where we could speak the truth," Maduro said after the meeting, Reuters reported. He thanked Ali for his "frankness and willingness to have an ample dialogue." Maduro called the meeting a diplomatic triumph. "It has been worth it to defend the truth of Venezuela," he said. During the talks Ali wore a bracelet showing a map of Guyana, including the Essequibo region, and said the dispute must be decided by the International Court of Justice. "All of this belongs to Guyana," said Ali, pointing to the bracelet and speaking to journalists during a break in the talks, the Associated Press reported. "No narrative propaganda [or] decree can change this. This is Guyana," he added. Ali added that his country "is not seeking war," Reuters reported. However, he said, "Guyana reserves the right to work with all our partners to ensure the defense of our country." Maduro and Ali agreed to hold another meeting, which would be held in Brazil in three months or another time that the two countries agree upon, the Associated Press reported. Venezuela has claimed the Essequibo region for more than a century, but its claim to the area heated up after ExxonMobil discovered oil off the region's coast in 2015. On Dec. 3, Venezuelan voters

backed the Maduro government's claim to the area in a government-backed referendum. The Venezuelan government's declarations claiming the region have been politically useful for Maduro, Julia Buxton, a professor at the University of Manchester, told the Advisor in a [Q&A](#) published Wednesday. "Measures incorporating the Essequibo and its residents as Venezuelan and issuing extraction licenses in the contested territory plays well to some patriotic sentiment," she said.

## Guatemalan Court Orders 'Guarantee' of Arévalo Taking Office

Guatemala's constitutional court ordered the nation's Congress on Thursday to "guarantee" the inauguration of President-elect Bernardo Arévalo on Jan. 14, Agence France-Presse reported. The court said the order was to "command Congress ... to guarantee the effective inauguration of all elected officials in the 2023 electoral process, in accordance with official rights and validation of results." In a brief posting on social media site X, Arévalo appeared heartened by the order. "We have won the elections and we will take office on January 14. Guatemala, the future is already ours," he said. Guatemala's attorney general's office has sought to impede the transition of power to Arévalo with a variety of legal challenges and moves against him and his party. The court's resolution also seeks to protect the inauguration of the vice president-elect and the legislators and mayors who won positions in the 2023 elections, which have also been challenged. Prosecutor Leonor Morales on Friday said his office's investigation into the election found evidence of "anomalies" that made the results "null and void," Agence France-Presse reported. Stephen McFarland, a former U.S. ambassador to Guatemala, told the Latin America Advisor in a [Q&A](#) published Tuesday that the challenges by the attorney general's office "shows how desperate the 'pact of the corrupt' is to remain in power," and warned that "blocking Arévalo's taking office would spell a democratic rupture in Guatemala." The constitutional court's

## NEWS BRIEFS

## Doctors Without Borders Halts Work at Haiti Hospital After Killing

Doctors Without Borders (MSF) announced Thursday that it is suspending its operations at a medical facility in Haiti's capital, Port-au-Prince, following an attack by gang members who murdered a patient, Agence France-Presse reported. Armed men pulled an ill patient from an ambulance outside the Turgeau Emergency Center and fatally shot him in the street. Gang violence has been intensifying in the area for months. "We cannot accept that [MSF's] ambulances are violently attacked and patients shot dead in the street," MSF mission head Benoit Vasseur said in a statement.

## Brazil's Congress Override Veto, Weakening Indigenous Land Rights

Brazil's Congress on Thursday overturned a presidential veto in order to reinstate legislation that weakens land rights for Indigenous people, the Associated Press reported. Lawmakers backed the legislation that says Indigenous people had to be occupying or legally fighting for lands at the time the current constitution took effect in 1988 in order to claim land allotments. In September, the Supreme Court ruled the approach unconstitutional.

## Peru's Central Bank Cuts Benchmark Interest Rate by Quarter Point to 6.75%

Peru's central bank on Thursday cut its benchmark interest rate to 6.75 percent, a decrease of 25 basis points, as inflation slows, Reuters reported. Peru's annual inflation rate has fallen to 3.64 percent and the central bank told Reuters that it "is projected to reach the target range within the next few months," which would be under 3 percent. The bank did warn that some climate related threats remained, chiefly the El Niño weather phenomenon.

decision was made in response to a request made by a group of lawyers led by constitutional lawyer Edgar Ortiz Romero, who told El País that the decision marked “a historic day for Guatemalan democracy” and a “definitive protection.”

## BUSINESS NEWS

# BASF Considering Lithium Processing Project in Chile

Germany-based chemicals company BASF is considering a new lithium processing project in Chile, Bloomberg News reported Thursday. The company is eyeing the possibility of constructing a facility in the South American country that would convert lithium from the country's salt flats into the cathode that is used for electric vehicle batteries, the news service reported, citing unnamed people familiar with the matter. Already, Chinese firms BYD and Tsingshan Holding Group have plans to develop cathode factories in Chile. Tsingshan agreed in October to invest \$233 million on a lithium iron phosphate plant that will have access to local lithium, Bloomberg News reported. BYD and Chile's government entered a similar deal last April. BASF also recently signed a deal with Canada-based Wealth Minerals that includes a lithium offtake agreement if Wealth Minerals receives contracts for lithium production in Chile. Chile has been seeking to leverage its lithium reserves amid the transition away from fossil fuels. The country's government has also required cleaner methods for mining, which have appealed to German automakers, Bloomberg News reported. In a posting Thursday on social media site X, Germany's deputy economy minister, Franziska Brantner, called Chile “an extremely important trading partner for us to promote the sustainable transformation of our economy.” Chile has moved toward greater state control of the lithium industry by taking a controlling stake in operations that are deemed strategically significant, Bloomberg News reported earlier this year.

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asylum access when border migrant numbers reach a threshold. (That would likely depend on Mexico's willingness to accept expelled migrants.) The administration also seems inclined to raise the threshold of ‘credible fear’ that asylum seekers subjected to screening interviews would have to meet. Proposals like these are the worst of two worlds. They would roll back generations-old commitments not to send protection-seeking migrants back to danger, and thousands could be killed, tortured or imprisoned because of higher U.S. barriers to protection. At the same time, they would do little to reduce migrant flows: note how migrant arrivals at the border reached stratospheric levels during the Biden administration's first two years, even though the Title 42 pandemic policy had put asylum out of reach for many nationalities.”

**A Tyler Mattiace, Americas researcher at Human Rights Watch:** “Seeking asylum is one of the most basic and universally recognized human rights. But U.S. Republican leaders are seeking changes that would effectively end the right to seek asylum in the United States. They want to make it easier for the United States to expel asylum seekers from anywhere within the country without hearing their claims, force asylum seekers to file their claims in other countries—which often have little capacity to examine them or provide protection—before they reach the United States, and change the standard for ‘credible fear’ to make it much harder for people fleeing persecution to get an asylum hearing before an immigration judge. Worryingly, the White House has signaled a willingness to sacrifice refugee protection in pursuit of military aid for Ukraine and Israel. Restricting access to asylum is not an effective way to stop irregular border crossings. Quite the opposite. Policies like Title 42 border expulsions that prevent people from legally accessing asylum have not only led to an increase in irregular crossings,

they have also exposed migrants to unnecessary dangers. The Biden administration should make it clear that human rights are not up for negotiation.”

**A Brianna Krong, communications and advocacy manager at the Center for Gender & Refugee Studies at the University of California College of the Law in San Francisco:** “In exchange for a one-time foreign aid package, Congress and the White House are currently considering a slew of radical policy proposals that would decimate protections for people seeking asylum and wreak havoc on immigrant communities. Proposals on the table reportedly include: 1.) A sweeping third-country transit ban, automatically barring asylum for the vast majority of people seeking refuge at the southern border; 2.) Raising the bar in initial border screening interviews, preventing many refugees from accessing the asylum process; 3.) Expanding expedited removal nationwide, allowing immigrants around the country to be rounded up for rapid deportations; 4.) An expulsion regime akin to the Trump-era Title 42 policy, allowing the government to summarily expel people seeking asylum at the border with no legal process whatsoever; and 5.) A dramatic expansion of mandatory immigrant detention. If enacted, these proposals would wipe away decades of longstanding asylum law and amount to a complete abdication of the United States' treaty obligations to refugees. They would not advance their purported goal of reducing migration or increasing security at the U.S. border. Policies designed to prevent individuals from seeking asylum have never been successful, because people fleeing for their lives cannot be ‘deterred’ even by the most draconian tactics. Such measures only force migrants to resort to more dangerous transit routes, resulting in more chaos and more deaths at the border. Even officials from within the Department of Homeland Security have warned the proposals under

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consideration would be 'counterproductive' and 'break the border.' "

**A** **Louis DeSipio, associate professor of political science and chair of Chicano/Latino studies at the University of California**

**Irvine:** "Ongoing negotiations in the U.S. Senate to add new immigration restrictions and enforcement measures as a condition for extending military assistance to Ukraine and Israel do a disservice to our allies abroad and potential immigrants making claims of asylum. But that is the reality of a polarized Congress where bipartisanship is a dirty word. Republicans in the Senate have seized on mounting popular concern about the volume of migrants seeking to cross the U.S. border with Mexico to link restrictive immigration policies to 'must pass' legislation sought by the Biden administration to continue funding for Ukraine and to bolster Israel in its war in Gaza. Whatever the outcome of the Senate negotiations, two significant challenges will remain. The first is in Congress itself. Should legislation pass in the Senate, it will face an even tougher road in the House of Representatives where demands for immigration restrictions are

louder. The House also has a more vocal, though numerically small, coalition in support of immigrant rights, which will likely also oppose the Senate compromise. Second, migrants themselves will likely not be deterred by policy changes. The flow of

**“Migrants themselves will likely not be deterred by policy changes.”**

— Louis DeSipio

migrants has changed over the past two years with many traveling longer distances and facing unprecedented dangers before reaching the U.S. border. They will continue to seek the opportunity to pursue asylum and achieve a better life. Newly draconian U.S. laws might also alienate the support from the Mexican government that has been so critical to the relative success of the current policies."

*The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta.*

## LATIN AMERICA ADVISOR

is published every business day by the Inter-American Dialogue ISSN 2163-7962

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