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FEATURED Q&A

What's Behind New U.S. Restrictions on Migrants' Asylum?



U.S. President Joe Biden last week issued an order restricting migrants' ability to be granted asylum when illegal border crossings are at elevated levels. Migrants in Mexico are pictured. // File Photo: Mexican Government.

Q U.S. President Joe Biden on June 4 issued an executive order to restrict migrants' ability to be granted asylum when illegal crossings of the country's border with Mexico exceed 2,500 per day. Average daily arrests for illegal crossings were last below that number in January 2021, the month Biden took office, according to the Associated Press. The announcement also came five months before the U.S. presidential election and amid criticism that Biden has done too little to stem illegal immigration. How will the order affect the flows of migrants over the border, and what will the order result in for migrants? How well are the United States and Mexico working together on the issue? What will be the political result of the order for Biden?

A Andrew Selee, president of the Migration Policy Institute: "The recent announcement that President Biden was restricting access to asylum for those crossing between ports of entry was made—and greeted—with hyperbole. Biden spoke of 'closing the border,' while some critics on the right said the measure would do nothing, and some critics on the left said it was the end of asylum. In reality, what the administration did was raise the standard significantly for applying for asylum between ports of entry in order to encourage migrants to use the existing appointment system in order to seek asylum at ports of entry. The legal authority the administration used allows it to refuse entry to migrants who cross between ports of entry, but the measure included several important exceptions and came without any new resources that would allow U.S. authorities to deport to their

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Blackouts Hit 340,000 Homes in Puerto Rico

Rolling electricity blackouts caused by failures at two power plants left some 340,000 households in the dark on Wednesday in Puerto Rico.

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Advocacy Groups File Suit Over New U.S. Asylum Rules

A group of immigrant advocacy organizations filed a lawsuit Wednesday over the Biden administration's new restrictions on asylum at the country's border with Mexico.

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ECONOMIC

Argentina's Senate Narrowly Passes Economic Reform

In a vote that required a tie-breaker by the country's vice president, Argentina's Senate approved President Javier Milei's "omnibus" economic reform package. The lower house, which previously passed it, must vote on it again before it can become law.

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Milei // File Photo: @JMilei via X.

ECONOMIC NEWS

Argentina's Senate Narrowly Passes Economic Reform

In a razor-thin vote, Argentina's Senate on Wednesday approved President Javier Milei's so-called "omnibus" economic reform package, which includes plans for privatizing state-owned firms, spurring investment and an expansion of presidential powers over some parts of the country's economic policy, Reuters reported. The Senate was deadlocked in a 36-36 tie, but Vice President Victoria Villaruel, who is also the Senate's president, cast the tie-breaking vote for its approval. "This is a triumph for the Argentine people and the first step toward recovering our greatness," Milei's office said in a statement after the vote, the Financial Times reported. After the vote on the overall bill, senators began voting on each individual article of the reform. The overall legislation was stripped of some of its most controversial provisions, including the planned privatization of a state-run airline, the newspaper reported. It now goes to the lower house. The lower house initially passed the sweeping bill in April, but it now must consider the Senate's changes, Reuters reported. As the Senate debated the legislation on Wednesday, protesters in Buenos Aires threw rocks, sticks and Molotov cocktails at police, who responded with water cannons, tear gas and pepper spray in efforts to disperse the demonstrators, the Associated Press reported. At least 20 police officers were injured, and more than a dozen protesters were arrested, the AP reported. Milei's economic reforms have faced staunch opposition from the left-leaning Peronist movement that is supportive of former President Cristina Fernández de Kirchner, which also has the backing of the country's powerful labor unions. Thousands of workers from various unions surrounded Argentina's Congress building throughout the day on Wednesday, banging drums and chanting, "Our country is not for sale!" and "We will defend the state!" the AP reported.

Blackouts in Puerto Rico Leave 340,000 Households in Dark

Rolling electricity blackouts hit Puerto Rico Wednesday night, with failures at two power plants causing outages in San Juan and neighboring municipalities, leaving 340,000 households in the dark, the Associated Press reported. "The events that have been occurring in recent weeks with our electrical system are unacceptable," Governor Pedro Pierluisi wrote in a posting social media site X, the AP reported. "While it is true that we have old plants and transmission lines in terrible condition, the people continue to suffer the consequences of the lack of sense of urgency that private operators are demonstrating." Pierluisi attacked two private operators—Genera PR, the company that maintains and operates the state's power generation units, and Luma Energy, the firm responsible for transmission and distribution for Puerto Rico's power authority—demanding the firms explain the outages and find solutions. In a posting on X, Luma Energy said the blackouts were related to transmission lines at the power plants, the AP reported. Puerto Rico is still struggling to rebuild its power grid after Hurricane Maria decimated electric distribution on the island in 2017. The mayor of San Juan, Miguel Romero, on Wednesday declared a state of emergency over the outages, which came amid warnings from the National Weather Service of excessive heat and the risk of heat stroke, The New York Times reported. Luma Energy said that power had been restored for roughly 50,000 customers by 1:30 a.m., the newspaper reported.

Foreign Credit Card Use Brings Venezuela Currency: Report

Transactions by Venezuelans using foreign credit cards are bringing more foreign currency to the South American country, aiding the government in its efforts to control hyperinfla-

NEWS BRIEFS

Brazilian Police Expect to Conclude Probes of Bolsonaro by Late July

Brazilian police announced Tuesday that three probes into former President Jair Bolsonaro should be concluded by the end of July, Reuters reported. The investigations involve Bolsonaro's alleged involvement in plotting a coup to overturn the 2022 election, which he lost to President Luiz Inácio Lula da Silva, among other allegations. The end of those probes may result in authorities formally accusing the former leader of crimes.

Bolivia Deploys Soldiers to Prevent Smuggling of Subsidized Fuel

Bolivia's government announced Wednesday that the military would be deployed to gas stations to prevent subsidized fuel smuggling, Bloomberg News reported. Declining oil production has contributed to fuel shortages, which the government says have been exacerbated by smuggling of gasoline that is sold domestically at a subsidized rate. "Much of the current excess demand is due to fuel being diverted," President Luis Arce said at a press conference Tuesday night. Soldiers will police gas stations, allowing only registered vehicles to purchase fuel.

Itaú Opens Trading in Cryptocurrencies to More Than 60 Mn Customers

Brazil's Itaú Unibanco has opened trading in Bitcoin and other digital currencies to more than 60 million customers, Bitcoin Magazine reported Wednesday. Ion, the bank's investment unit, started allowing trading in the digital currencies for some customers last December but has now opened it to all users. Guto Antunes, the bank's head for digital assets, said surveys showed strong demand for the service.

tion, Reuters reported today, citing four public sector and finance sources. When Venezuelans who have foreign bank accounts use cards issued by lenders abroad, their banks send funds to local intermediary banks in dollars, the wire service reported. The local bank then sells the dollars, which adds to Venezuela's supply of foreign currency and supports the Venezuelan government's efforts to keep the exchange rate to 36.4 bolívars to the U.S. dollar and curb inflation, Reuters reported. "This foreign currency helps support the exchange market," an unnamed source in the public sector told Reuters. Approximately 11 percent of the transactions made at supermarkets and other businesses in Venezuela use foreign credit cards, an increase from 8 percent last year, consulting group Ecoanalitica said in March, Reuters reported.

POLITICAL NEWS

Advocacy Groups Sue Biden Administration Over Asylum Rules

A group of immigrant advocacy organizations on Wednesday filed a lawsuit against the administration of U.S. President Joe Biden over its new restrictions on asylum at the country's border with Mexico, the Associated Press reported. The American Civil Liberties Union and other groups filed the suit on behalf of the Las Americas Immigrant Advocacy Center and the Refugee and Immigrant Center for Education and Legal Services. The executive order Biden issued last week limits the processing of asylum cases when authorities' encounters with migrants exceed 2,500 per day. The order took effect immediately because that figure currently exceeds 4,000 per day, the AP reported. A spokesperson at the U.S. Department of Homeland Security declined to comment to the AP on the lawsuit but said the order "is lawful, is critical to strengthening border security and is already having an impact. The challenged actions remain in effect, and we will continue to implement them."

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country of origin migrants crossing without authorization into the United States. Recent polls all tell us that Americans are generally positive about immigration but worried about chaos at the border. The administration has been trying to create an orderly process by simultaneously expanding legal pathways, increasing refugee resettlement from Latin America, starting an appointment system for asylum and making unauthorized entry between ports of entry more difficult. But all of these efforts are hard to do—and sometimes impossible—without congressional action and appropriated resources. And at a time when the tight U.S. labor market ensures that most migrants will find employment quickly, these measures are likely to fall short of what is needed."

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

"Congress can make permanent changes to U.S. immigration policy. When Congress fails to legislate as has been the norm for the past two decades, presidents often seek to change how policy is implemented through executive orders. Many of these presidential efforts are blocked—temporarily or permanently—by the federal courts. Like his immediate predecessors, President Biden has sought to overcome Congress' failure to act through executive orders that in this case fundamentally abrogate statutory requirements to review applications for asylum presented by migrants present in the United States. Congress can change these requirements; presidential powers are more limited and will likely be reversed in the courts. Congress considered legislation that would have implemented changes comparable to those that President Biden implemented, but it failed to pass this legislation after former President Trump objected. President Biden indicated that he would have signed this legislation into law had Congress passed it. His decision, then, to seek to implement these

changes through executive orders should not be a surprise and reflects a political calculation that he and the Democrats need to offer solutions addressing popular concerns about migration at the southern border. Biden will undoubtedly face objections and possibly the loss of some votes by progressive members of his party. Should these new policies speak to popular concerns, the political gains will likely be greater than these losses. Biden can regain some support on the left by using the same executive powers to expand immigration opportunities and rights for long-term undocumented immigrants in the United States."

A **Ana Quintana, senior director of policy at The Vandenberg Coalition:** "A recent Harris Poll found that 59 percent of Democrats polled believe illegal immigration is a serious problem, and over 50 percent believe there is a real crisis at the border. These numbers indicate that President Biden's policies have not only failed the country but have also opened him up to significant Democratic criticism. Given this panorama, it is hard to see the recent executive order as anything short of an election year political Hail Mary. This desperate move is a hollow gesture. Implementing restrictions on asylum claims and claiming it will alleviate the border crisis is the equivalent of insisting a busted dam can be fixed with a Band-Aid. President Biden and those advising him stubbornly refuse to accept the indisputable truth, that he already has the statutory tools and authorities to end the border crisis. The White House could easily end its policy of catch and release and mass parole programs and also strengthen border security measures. In terms of cooperation with Mexico, the Biden administration has left itself and Americans vulnerable to Mexico's enforcement cooperation. As a result, the White House has found itself on weaker footing when addressing other key American priorities such as countering fentanyl traf-

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ficking, the treatment of American investors, Mexico's foreign policy and the conditions of Mexico's democratic institutions. Regardless of the November election results here in the United States, one outcome is guaranteed. American citizens are demanding meaningful border security measures."

A **Nicolás Mariscal, member of the Advisor board and chairman of Grupo Marhnos in Mexico City:** "Migration seems to be one of the central political issues of our time. Recent elections for the European Parliament are a good example, as far-right parties made important inroads with migration as their main political flag. The United States is no exception, as migration

“**People prefer the uncertainty of arriving at the border than the dire conditions they face at home.**”

— Nicolás Mariscal

is now at center stage in national politics. President Biden's executive order will do little to curb migration, as people prefer the uncertainty of arriving at the border than the dire conditions they face at home. Just during April, the U.S. Border Patrol reported a little less than 130,000 so-called 'encounters' at the U.S.-Mexico border, far more than 2,500 per day. There is uneasiness in Mexican border towns and cities, as they will have to deal with a growing stream of people with few resources. And that is why Mexican officials have declared that they are working with their American counterparts to deport migrants to their countries of origin, as opposed to just sending them back to Mexico. Migration will be a decisive issue in the November U.S. election. Whoever is elected president, it will be essential that the United States and Mexico continue working

together, as the vast flows of people arriving daily affect communities on both sides of the border."

A **G. Philip Hughes, senior vice president of the Council of American Ambassadors and adjunct professor of diplomacy at the Institute of World Politics:** "Biden's action came three and a half years after he reversed, on his first day in office, President Trump's 'Remain in Mexico' border policy, all but halted border enforcement and pledged not to build another foot of Trump's border wall. It also came five months before a presidential election, with Trump again on the ballot and illegal immigration among the top election issues. Against this background, Biden's border action looks transparently hypocritical and insincere to many. It also reflects another hallmark of his administration: too little, too late. By conditioning the cutoff of asylum eligibility on the weekly average of illegal migrant encounters at the border (with exceptions for several migrant categories) and preserving asylum applications at legal border crossing points, Biden's team apparently sought to appease its open immigration supporters. But the low cutoff threshold for weekly illegal migrant encounters at the border, well below current typical daily averages, purports to deter illegal arrivals—and to look tough. The trouble is, the complexity of the off-on 'toggle switch' of the asylum eligibility cutoff mechanism may make enforcement impracticable and fail to deter illegal migration. And, as Team Biden surely knew, Biden's action may well be struck down by U.S. courts—as was a similar scheme President Trump tried in 2017 and 2018. In either event, Biden wins points for looking as though he's trying to do something about illegal immigration. No wonder voters are cynical—and furious."

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

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