

Oklahoma City, OK, June 20th, 24.

**Oklahoma State Work Permits and Visas (OSWPV) Task Force
Notes from the Consulate of Mexico in Oklahoma City**

INTRODUCTION

On behalf of Consul of Mexico in Oklahoma, Edurne Pineda, I would like to thank Governor Stitt for including us in this Task Force. As she has personally expressed to him, the Consulate of Mexico does not intend to intervene in any political process; however, we actively work to protect and promote the rights of our nationals and the interests of Mexico. Therefore, having a seat at this table where we expect relevant, positive, and productive dialogue to take place is an opportunity that we appreciate.

In the USA, the current context is paradoxical: the economy relies on migrants to fulfill labor demands and sustain growth, yet certain political dynamics—especially at the local level—stigmatize migration as a threat to American jobs and national security.

This narrative completely contradicts what studies and hard data clearly demonstrate: that migration has historically been and continues to be an enormously positive economic and social force for the USA. It provides this great country with the talent, enthusiasm, hard work, and dedication of millions of individuals who are willing to leave their countries of origin in search of a better future for their families.

It is clear that the current immigration flows respond to economic labor needs of the US economy that are not covered by the local labor market or by an outdated immigration framework. Economists believe that the recent surge in immigration has helped the economy grow steadily without significantly impacting inflation. New arrivals have filled essential roles at various pay levels, maintaining overall price stability.

The criminalization of immigrants who come to the US to work hard and quickly find employment, who pay much more in taxes than they ever receive in return, who have very low crime rates, and who dedicate their efforts to caring for their

families and being positive members of their communities, is not only unfair but it is also widely known that it won't solve the current challenges.

It is widely understood that a country has the right and obligation to defend its borders, but it is also understood that there is a need to invest resources to manage a border efficiently, especially when a border is as vast and complex as the Mexico-US border. Our country, Mexico, has invested extraordinary resources and efforts in trying to contain the recent immigration flows that have occurred in extraordinary numbers since the end of the pandemic. This surge is mainly due to the strength with which the US economy has rebounded and the fact that far fewer people migrated to the US during the pandemic years.

However, it is also evident that the US has not allocated the necessary resources to effectively manage this border, which unfortunately has been exploited by human trafficking networks.

Mexico, an economy 16 times smaller than the US', has invested significant resources in this task. For example, during President López Obrador's government, close to 40,000 agents have been dedicated to immigration tasks, compared to approximately only 20,000 Homeland Security agents managing your southern border. Mexico has worked closely with American authorities to contain these flows, and our combined efforts have yielded positive results, with a 45% decrease in undocumented immigrant encounters since December 2023 and a 16% decrease since March 2023.

While committed to assisting the US in managing this crisis, Mexico has also requested your country to recognize the contributions of millions of undocumented migrants who have worked diligently for many years without a criminal record. My government respectfully asks yours to acknowledge these contributions by providing these migrants with some form of work permits. We are seeing some announcements today from President Biden regarding this matter. **Nevertheless, what is needed is integral comprehensive immigration reform that can recognize the needs of the American economy and the positive contributions of migrants—a reform that can only be decided by Congress and must be implemented at the federal level.**

With that said, it is truly commendable to participate in this effort to explore what the current immigration framework permits and how it can be implemented in Oklahoma. This aligns with Governor Stitt's vision of enabling immigrants to pursue the American dream and contribute to the workforce. It could also potentially support industries critical to Oklahoma's economy, such as universities, aviation companies, farmers, ranchers, oil and gas firms, and others, by facilitating the hiring and retention of immigrant workers.

SPECIFIC DATA REGARDING OKLAHOMA

The Consulate is prepared to provide information about Oklahoma's current workforce status and its suitability for granting access to migrant workers. Additionally, we can share details about existing working visa programs that may be relevant for this purpose.

Recent reports from the Federal Reserve Bank of Kansas City and the U.S. Chamber of Commerce highlight significant workforce challenges in Oklahoma since the Covid-19 outbreak in 2020. Across 52 key industries, the state has experienced an average reduction of up to 3,000 workers. Nationally, there are now 3 million fewer workers compared to the beginning of 2020.

On one hand, industries such as mining, manufacturing, heavy and civil engineering construction, nursing, residential care, healthcare, and tourism and hospitality have seen their employment numbers decrease by 20% to 40%, resulting in a loss of at least 3,500 employees each in the last year. On the other hand, industries like transportation, warehousing, employment services, retail trade, restaurant services, accounting, and food manufacturing have shown significant growth in job openings. However, they still face an increased need for additional employees.

As of April, Oklahoma's Worker Shortage Index stood at 0.52, indicating only 52 available workers for every 100 open jobs. From February 2020 to March 2024, job openings in Oklahoma increased by 40% to 69.90%, with current openings at 104,000. The labor shortage is affecting multiple sectors, including transportation, healthcare, durable goods manufacturing, wholesale and retail trade, education, leisure and hospitality, and food services. Additionally, immigration levels have not returned to pre-pandemic levels, further exacerbating the labor market challenges.

This situation is spreading nationwide, with the U.S. Chamber of Commerce categorizing these labor shortages as 'the most severe' in states such as Alabama, Arkansas, Maine, Maryland, Massachusetts, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Dakota, Utah, and Vermont. The continuation of this trend could lead to instability in core industries, supply chains, and the overall economy.

The U.S. Chamber of Commerce and the National Immigration Forum propose that immigration reforms could address these workforce deficits and other economic and demographic challenges, thereby enhancing U.S. competitiveness and economic growth. This includes exploring and restructuring current visa programs for foreign workers (H-1B, H-2A, H-2B, TN), increasing visa caps, and expanding activities covered under longer-term, temporary work programs.

The contribution of H-2A, H-2B, and TN workers to the U.S. economy is noteworthy. These foreign temporary workers not only fill job shortages, thereby stabilizing labor employment, but also correlate with higher wages and economic growth. For instance, according to the U.S. Chamber of Commerce, a 1% increase in the number of H-2B workers resulted in a 0.05% increase in wages. There has also been a reported sudden rise in job opportunities. What makes these programs successful is that they do not negatively impact permanent workers or usurp job vacancies intended for U.S. citizens.

Working Visa Programs in the U.S. – Comparative Chart

Visa	Description	Process	Conditions	Caps	Top Occupations
<p>H-1B</p>	<p>Non-immigrant work visa that allows U.S. employers to hire foreign workers with specialized skills to work.</p>	<p>Employer/Sponsor: -File form I-129 and pay, or \$460 (small employers or nonprofits), providing evidence supporting the employee, such as resume, transcripts, certificates, letter of employment. Employee: -Receive a valid job offer from a U.S. employer. -File form I-129 (along with the sponsor) providing supporting academic and professional evidence. -Register for the H-1B lottery and pay \$10 fee. -Wait until visa status becomes active in order to start working. *If the employee is outside the U.S., they will need to complete form DS-160</p>	<p>A) Proof of a bachelor’s degree or higher. B) Holding a valid job offer from a U.S. employer for a specialized role. C) The employer must demonstrate a lack of qualified U.S. applicants for the role. D) Sub-categories: -H-1B1 (Free Trade Agreement workers from Chile and Singapore). -H-1B2 (Specialty occupations related to Department of Defense R&D projects). -H-1B3 (Fashion models of distinguished merit).</p>	<p>-Annual cap of 65,000 new visas each fiscal year + 20,000 petitions for beneficiaries with master’s degree or higher from a U.S. institution.</p>	<p>Business auditors, accountants, architects, biologists, budget and management analysts, chemists, civil engineers, college and graduate professors, data analysts, economists, electrical, software, industrial, or mechanical engineers, graphic designers or artists, physicians, surgeons, surveyors, statisticians, programmers, teachers for primary and secondary schools, therapists, etc.</p> <p>Previous sponsors of H-1B visas are listed in the U.S. Citizenship and Immigration Services H-1B Employer Data Hub.</p>

		and schedule an interview at a U.S. Embassy or Consulate.			
H-2A	Temporary agricultural program that allows agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary/seasonal nature.	<p>Employer/Sponsor: -File a Job Order for an H-2A job opportunity. -Connect with potential employees and conduct the hiring process. -File an H-2A Application for Temporary Employment Certification and submit it through the FLAG system, along with the required documentation and the following forms: ETA-790, ETA-9142, I-129, I-94. -Pay a fee of \$110 per worker.</p> <p>Employee: -Find a sponsor. -Complete the hiring process and receive a written employment offer/letter. - Apply for an H-2A visa by completing the DS-160 form online (all visa fees must be paid or reimbursed by the employer).</p>	<p>A) The temporary worker cannot stay longer than one year. B) The employer must cover all transportation and visa expenses for hired employees. If the employee pays these expenses in advance, the employer should reimburse them. C) The employer must provide proper housing throughout the job season and comprehensive health coverage. D) The employer must demonstrate a shortage of U.S. workers. E) Employees can bring their spouse and/or children under an H-4 visa (H-4 visa holders are not allowed to work; minors are permitted to study). F) H-2A workers must be guaranteed an offer of employment for at least 75% of the work period specified in their contract.</p>	<p>-There are no caps for this type of visa. -Each visa is valid for up to 3 years. -H-2A visa holders are allowed to travel internationally.</p>	<p>All agricultural-related jobs and activities. Previous H-2A visa employers are listed in the U.S. Citizenship and Immigration Services H-1B Employer Data Hub.</p>
H-2B	This program applies to employers seeking to	Employer/Sponsor:	A) The visa cannot be transferred to a	-Annual cap of 66,000/fiscal	Landscaping and groundskeeping workers, forest and conservation workers,

	hire nonimmigrant aliens as workers in specialty occupations, all of them with skills that employers cannot find in the local workforce.	<p>-Obtain labor certification from U.S. Dept. of Labor and submit H-2B application to USCIS.</p> <p>-Gather the employee's information, job description, qualifications, etc. and file the following forms: ETA 9141, ETA 9142B, I-129.</p> <p>-File and submit Job Order to the USCIS and the employee.</p> <p>Employee:</p> <p>-Receive a written proof of a job offer from a U.S. employer.</p> <p>-Gather valid Passport, evidence of employment, proof of qualifications, job order, etc.</p> <p>-Submit H-2B application for Temporary Employment Certification Form (ETA-9142B and DS-160) with the rest of supporting documents (step 2).</p> <p>-Complete the Consular Interview and wait for visa approval.</p>	<p>different employer. If the employee wants to switch to a similar position with a new employer, they need to reapply for the visa.</p> <p>B) H-2B workers will receive either the prevailing wage rate or the same amount as U.S. permanent workers.</p> <p>C) Spouses and minor children (under 21) of H-2B visa holders are eligible to apply for H-4 visas. They are not allowed to work but are eligible to study.</p> <p>D) Citizenship cannot be obtained through this visa.</p> <p>E) Deportation from the U.S. is required once the employment tenure is over.</p> <p>F) The employer must cover all transportation and fee costs of the employee before their arrival in the US.</p> <p>G) The employer must demonstrate a scarcity of U.S. workers.</p>	<p>year. Divided in 2 halves, Oct-Mar (33,000), and Apr-Sept (33,000).</p> <p>-There have been fiscal years where the DHS has approved 15,000 extra due to the demand of workers.</p> <p>-This visa is eligible for extensions in one-year increments for up to 3 years.</p>	<p>amusement and recreation attendants, maids and housekeeping cleaners, meat, poultry, and fish cutters and trimmers, construction laborers, coaches and scouts, waiters and waitresses, nonfarm animal caretakers, fishers and related fishing workers, helpers in production, cooks in restaurants, packers and packagers, resort workers, housekeepers, hotel and restaurant staff, food preparation workers, dining room and cafeteria attendants, bartenders, etc.</p> <p>These occupations are classified in Job Zones 1, 2, 3, and 4. Minimum degree or training requirements vary: JZ1 and JZ2 require a high school diploma and some experience.</p> <p>Previous H-2B visa employers are listed in the U.S. Citizenship and Immigration Services H-1B Employer Data Hub.</p>
TN	This is a visa category available for Canadian and Mexican citizens	Employer/Sponsor:	A) To qualify, a Canadian or Mexican citizen must possess the	-There is no annual cap or	Engineering (various fields), scientific technician, animal breeder, computer systems analyst, management consultant,

	<p>who will work for a U.S. employer in a profession listed in Appendix 1603.D.1 of Annex 1603 of the USMCA.</p>	<p>-Complete Criminal Conviction Check before hiring. -Complete and submit detailed TN Visa Letter (printed on the U.S.'s company official letterhead) requesting written acceptance from the employee (the letter should include the profession of the applicant according to the USMCA Appendix, describe job duties, indicate length of stay, describe educational qualifications, salary).</p> <p>Employee: -Receive a U.S. job offer and TN Visa Letter. -Complete the Online Visa Application: Form DS-160 (online and bring printed version to the interview). -Upload a photo while completing the online form DS-160. -Pay all the applicable fees and gather Passport, Form DS-160, Photo, Contract or Letter of Employment in the U.S., additional documents that support academic background.</p>	<p>academic or professional credentials specified in the USMCA corresponding to the profession they will practice. B) Employers are not required to be certified by the DOL. C) Mexican citizen spouses and children must apply for TD nonimmigrant visas. D) The TN Visa letter must include detailed information: Employee's details, Purpose of the Letter, Job Offer Details, Qualifications, USMCA Professional Occupation, and Statement of Compliance. E) This visa does not require employer sponsorship of the employee. Note: Oklahoma has issued over 258 TN Visas (2.84% of the U.S. total).</p>	<p>quota for this Visa. -Visas can be extended up to 3 years only. -Visa can be used with different employers. -This visa allows international travel.</p>	<p>hotel manager, accountant, agriculturist, architect, animal scientist, veterinarian, graphic designer, lawyer, psychologist, research assistant, economist, registered nurse, biologist, chemist, geologist, biochemist, teacher, social worker, mathematician, agronomist, etc.</p> <p>TN visas provide a valuable alternative to H-1B visas, bringing innovation and new talent to U.S. industries and the economy.</p>
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		-Complete consular interview and wait for approval.			
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APPENDIX

- A risk analysis study by the CATO Institute (between 1975 and 2022) showed that **“the annual chance of being murdered in an attack committed by an illegal immigrant is zero”**. During this 50 year period, 9 undocumented migrants attempted (although did not succeed) a terrorist attack, 5 of them crossed into the US from Canada, 1 came in a ship vessel and 3 crossed from Mexico, all Albanese. <https://www.cato.org/policy-analysis/terrorism-immigration>
- **“The likelihood of an immigrant being incarcerated is 60 percent lower than of people born in the United States.”** <https://siepr.stanford.edu/news/mythical-tie-between-immigration-and-crime>
- **“...Undocumented immigrants in Oklahoma pay \$200 million in taxes and account for \$1.7 billion in consumer spending.”** **“...Even with these costs, however, immigrants’ economic contributions far outweigh the cost of additional public services they incur.”** <https://map.americanimmigrationcouncil.org/locations/oklahoma/>
- Unauthorized immigrants pay sales taxes, as does everybody else, and **very significant numbers of them also have federal and state tax withholding in their paychecks,**” the nonpartisan Migration Policy Institute recently reported. **The Social Security Administration estimated in 2010, for example, that such immigrants contribute \$12 billion per year more to the Social Security system than they take out.**
- **“One of the most deeply ingrained myths about immigrants who are undocumented is that they don’t pay taxes. In reality, immigrants without documentation pay taxes in multiple ways and contribute more to the U.S. and state economy than they receive in return.”** <https://okpolicy.org/undocumented-immigrants-pay-taxes-the-133-7-million-elephant-in-the-room/> ; <https://itep.sfo2.digitaloceanspaces.com/TTEP-2017-Undocumented-Immigrants-State-and-Local-Contributions.pdf>
- Federal Reserve Bank of Kansas City: **The ratio of job openings to unemployed persons still is 1.4 in the US economy,** down from 2 in 2022 but still above pre-pandemic numbers. <https://www.kansascityfed.org/search/?query=Labor%20and%20Demographics&sorting=relevant&page-number=1&perpage=10>
- Federal Reserve Bank of Kansas City. **“Labor Constraints and Strong Demand Are Driving Robust Food Services Inflation.”** **“We argue that food services inflation has been elevated by the sector’s fast rebound in expenditures and its high**

dependency on labor amid labor shortages and elevated labor costs.”
<https://www.kansascityfed.org/research/economic-bulletin/labor-constraints-and-strong-demand-are-driving-robust-food-services-inflation/>

- Since 2000, the U.S. undocumented immigrant estimates have fluctuated from 2.96%-4.05% of the total U.S. population. **As of 2023, the undocumented immigrants are estimated at 3.74% of the total U.S. population;** 12.3 million of 340 million US Population. **Which means that current numbers are not extraordinary.** Pew Research Center.

- **Labor Data:**
 - o Federal Reserve Bank of Kansas City: As of July 2022, **ten of the 52 key industries in Oklahoma had at least 3,000 fewer employees** than three years ago, representing a labor decline of more than 10% from pre-pandemic levels. Overall, the most affected industries have **been mining and the energy sector**, in which **employment has declined up to 28,000 jobs, 40% less** than a decade ago. <https://www.kansascityfed.org/oklahomacity/oklahoma-economist/oklahomas-changing-employment-mix-since-covid-more-warehouse-and-finance-jobs-fewer-energy-and-office-support-jobs/#:~:text=By%20far%20the%20largest%20Oklahoma,sector%20Support%20Activities%20for%20Mining.>
 - o U.S. Chamber of Commerce: Since the 2019 pandemic, **the U.S. has lost two million workers**, reducing the labor participation rate to less than 62.7%. **Oklahoma, among the most affected states, has 52 available workers for every 100 open jobs.** <https://www.uschamber.com/workforce/the-states-suffering-most-from-the-labor-shortage?state=ok>
 - o According to John Blevins there are still some **factors fueling labor shortages** in the U.S., especially in 13 states including Oklahoma and Texas. Those factors are a **decreased labor force participation rate, decreased immigration and higher than expected demand for labor because of a strong economy.** <https://www.newsweek.com/america-labor-shortage-most-severe-13-states-1818545>
 - o National Immigration Forum: “America's labor shortage is a multifactorial problem. Removing impediments to immigrant workers and increasing the number of immigrant workers through needed market-based reforms, the U.S. can make a significant dent in these shortfalls” **Increasing immigration levels will reduce the pressure of worker shortages, supply chain bottlenecks and promoting growth.** <https://immigrationforum.org/wp-content/uploads/2022/03/Americas-Labor-Shortage.-How-Low-Immigration-Levels-Accentuated-the-Problem-and-How-Immigration-Can-Fix-It.pdf>

- **Working Visas:**
 - o The **increased necessity of temporary labor** in specific industries such as landscaping, groundskeeping, forestry, retail, construction, etc., **and the limited number of H-2B holders, results in difficulties to meet the**

demand of goods and services in several sectors of the U.S. economy. <https://www.lawfirm4immigrants.com/top-industries-for-h2b/>

- “H-2B visa is intended for temporary or seasonal jobs. Employers must prove that the position they’re offering is time-limited”. The **H-2B visa program is essential for U.S. employers to hire temporary non-agricultural workers** from Mexico, **helping them address seasonal or peak workload needs**. <https://www.linkedin.com/pulse/how-achieve-immigration-visa-h-2b-workers-from-mexico?trk=article-ssr-frontend-pulse-more-articles-related-content-card>
- The nonimmigrant **USMCA Professional (TN) visa allows eligible citizens of Canada and Mexico to work in the United States as USMCA professionals** in prearranged professional level business activities for U.S. or foreign employers. <https://travel.state.gov/content/travel/en/us-visas/employment/visas-canadian-mexican-usmca-professional-workers.html>
- The **TN visa is advantageous over the H-1B visa** because it has **no annual quota**, allowing applications year-round without the risk of visa unavailability. Additionally, **it avoids the requirement for a Labor Condition Application (LCA) and the associated costs, making it a more flexible and cost-effective option for U.S. employers**. <https://www.kirtonmconkie.com/publication-TN-Visa-Alternative-To-H1B-Visa#:~:text=First%2C%20there%20is%20no%20annual,be%20sufficient%20TN%20visas%20available.>
- The **H-2A visa program allows U.S. agricultural employers to bring in temporary foreign workers to meet labor shortages**, requiring employers to ensure worker rights and provide housing and transportation. This visa type **facilitates skill development and efficiency**. <https://farmerlawpc.com/understanding-h-2a-workers-and-their-families/#:~:text=While%20the%20H%2D2A%20program,the%20spouse%20and%20unmarried%20children>