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Cross-Border Labor Protection Dilemmas of Mexican Circular Migrants Under U.S. Immigration Regulatory Regimes

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A B S T R A C T

The U.S.-Mexico border constitutes the most active, institutionally complex, and economically vital seasonal cross-border labor circulation corridor in North America, sustaining a century-old bidirectional mobile labor system that fundamentally underpins the operational stability of agricultural cultivation, food processing, tourism catering, urban public services, and low-end manufacturing economies across Texas, California, Arizona, and New Mexico—four core southwestern U.S. border states (Anderson, 2024; García & Herrera, 2026; Carter & Bennett, 2025). Distinct from the dominant research subjects in mainstream immigration scholarship, including undocumented informal border crossers, international asylum seekers, long-term naturalized immigrant settlers, and refugee resettlement populations, Mexican circular migrants employed under the U.S. H-2A agricultural and H-2B non-agricultural seasonal visa frameworks represent a uniquely institutionalized, legally sanctioned, yet structurally marginalized transnational labor subgroup with distinct mobility rules and labor status constraints (Flores, 2023; Hernández & Reed, 2024; Kim & Watson, 2023). These migrant workers engage in regular, annual cross-border circular employment cycles, governed by fixed short-term visa validity terms, strict employer-binding employment restrictions, and zero statutory pathways to permanent residency or long-term social integration in the United States, ultimately constructing a highly flexible, market-dependent, but institutionally vulnerable labor status that differentiates them from all other immigrant categories (Torres, 2023; Zepeda, 2022; Rivera, 2024). While existing transnational governance, migration sociology, and global labor studies have extensively explored the institutional logic of cross-border refugee crises, U.S. federal border security enforcement mechanisms, immigrant community integration dilemmas, and cross-border illegal immigration governance systems, academic research focusing specifically on the institutional frictions, multi-level regulatory fragmentation, embedded structural labor inequality, and transnational governance gaps inherent to legal seasonal circular migration regimes remains severely insufficient and underdeveloped (Salinas, 2025; Newman, 2020; Brown & Scott, 2023). Despite operating entirely within formal bilateral visa authorization frameworks and signing standardized legal seasonal employment contracts with registered U.S. enterprises, Mexican circular migrants consistently confront systematic, structural, and multi-dimensional labor violations throughout their employment cycles, including prolonged wage withholding, uncompensated mandatory overtime labor, arbitrary denial of workplace injury compensation, insufficient occupational safety protection, and comprehensive lack of social security and medical insurance coverage (Global Labor Justice Institute, 2024; López, 2023; Chavez, 2025). Critically, their temporary, employer-attached immigration status structurally weakens labor dispute bargaining power, eliminates legitimate rights-protection incentives, and creates a culture of forced compliance with exploitative employment practices, forming a unique institutionalized labor exploitation phenomenon rarely observed in formal domestic labor markets (Miller, 2024; Ortega, 2023).

Based on the integrated theoretical perspectives of Transnational Mobility Systems Theory, Fragmented Cross-Border Governance Theory, and Global Labor Equity Theory, this study adopts a rigorous mixed-methods research paradigm that organically combines bilateral policy text institutional comparative analysis and cross-border field semi-structured interview empirical research, integrating macro institutional policy interpretation and micro individual behavioral experience analysis to ensure the comprehensiveness, rigor, and empirical validity of the research conclusions (Portes & Rumbaut, 1999; Newman, 2020; Global Labor Justice Institute, 2024; Carter & Bennett, 2025). The core empirical data of

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this research is derived from 72 valid field interview samples collected through long-term border field investigations, covering three key stakeholder groups closely related to cross-border seasonal labor governance: grassroots Mexican seasonal circular migrant workers with diverse employment backgrounds, front-line U.S. border labor supervision and immigration law enforcement officers, and professional practitioners from cross-border immigrant rights nonprofit organizations and transnational civil society institutions (García & Herrera, 2026; Salinas, 2025; Kim & Watson, 2023). Through standardized thematic coding, data screening, and statistical quantitative analysis of valid interview samples, this study constructs a clear quantitative distribution framework for six core dimensions of labor rights infringement, intuitively presenting the incidence characteristics and structural distribution rules of migrant labor rights violations (Chavez, 2025; Miller, 2024). Through layered institutional decoding and comparative analysis of U.S. federal immigration administrative rules, southwestern state-level seasonal labor exemption clauses, U.S. temporary visa management bylaws, and Mexican federal labor protection legal systems and cross-border migrant welfare policies, this study systematically identifies three nested, mutually reinforcing structural dilemmas restricting the labor rights protection of Mexican circular migrants: the endogenous institutional constraints of the employer-sponsored temporary visa regime, multi-jurisdictional functional fragmentation and governance friction of cross-border regulatory systems, and the systemic institutional disconnection and standard mismatch of bilateral labor legal systems (Zepeda, 2022; Hernández & Reed, 2024; Brown & Scott, 2023). In addition, abundant field empirical evidence further confirms that transnational civil society organizations rooted in the U.S.-Mexico border zone have evolved into critical supplementary governance subjects that fill the bilateral official regulatory vacuum, undertaking core governance functions including professional legal rights consultation, cross-departmental administrative linkage supervision, emergency rights relief, and migrant legal awareness training, effectively mitigating the structural labor inequality and institutional exploitation risks faced by circular migrant groups (Border Immigrant Rights Alliance, 2025; Delgado et al., 2022; Rivera, 2024).

This research effectively avoids the long-standing refugee-centered and undocumented migrant-centered sample bias prevalent in contemporary North American migration research, breaks the stereotyped research paradigm that simply equates temporary circular migrant labor with general immigrant labor, and supplements high-quality localized empirical evidence and grassroots case materials for transnational seasonal labor governance and global labor equity research (Luna, 2024; Ortega, 2023; Carter & Bennett, 2025). Furthermore, this study expands the comprehensive explanatory power of multi-theoretical integrated frameworks in the research field of Global South-North cross-border labor mobility and asymmetric labor governance, making up for the theoretical deficiency of single-perspective analysis in existing studies (Miller, 2024; Brown & Scott, 2023). On the basis of systematic institutional mechanism analysis and empirical data verification, this research proposes targeted, operable, and layered coordinated governance optimization paths covering temporary visa institutional reform, bilateral cross-border joint supervision mechanism construction, standard docking of bilateral labor legal systems, and institutionalization of civil society governance capacity, providing practical policy enlightenment, institutional reform references, and grassroots governance optimization schemes for resolving structural labor protection dilemmas and improving the standardized governance level of transnational circular migration labor systems (Salinas, 2025; Torres, 2023; Chavez, 2025).

Keywords: *U.S.-Mexico border; circular migrants; temporary visa regime; cross-border fragmented governance; transnational labor protection; civil society supplementary governance*

1. Research Context and Academic Puzzle

Stretching 3,169 kilometers, the U.S.-Mexico international border constitutes a unique transnational social, economic, and institutional boundary defined by long-term bidirectional population circulation, high-degree labor market interdependence, asymmetric national institutional systems, and differentiated border governance logics, forming the most active cross-border labor mobility system in the North American region (Zepeda, 2022; U.S. Customs and Border Protection [CBP], 2025; Carter & Bennett, 2025). Originating from the bilateral Bracero Program launched in 1943 to alleviate U.S. wartime and post-war seasonal labor shortages, the H-2A agricultural seasonal visa and H-2B temporary service industry visa have gradually evolved into the core standardized institutional channels for Mexican surplus rural labor and grassroots urban labor to enter the low-end manual labor and service markets of southwestern U.S. border states (Anderson, 2024; Torres, 2023; Rivera, 2024). Official statistical data released by the U.S. Customs and Border Protection and the U.S. Department of Labor shows that more than 400,000 Mexican laborers enter the United States through formal H-2A/H-2B temporary visa channels every year, forming a large-scale, high-frequency, highly institutionalized, and predictable circular migration pattern characterized by seasonal centralized entry, fixed-term mandatory exit, and repeated annual cross-border mobility (CBP, 2025;

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García & Herrera, 2026; Kim & Watson, 2023). Different from traditional immigrant groups whose core demand is long-term residential settlement, identity transformation, and family reunification in the host country, circular migrant workers under the temporary visa system rely entirely on employer sponsorship and employment certification for their legal mobility qualifications. Their legal residency status, legitimate employment qualifications, cross-border mobility rights, and even basic residential legitimacy are fully attached to specific U.S. employers and single employment contracts, resulting in a completely employer-dependent labor status with no independent institutional guarantee (Flores, 2023; Luna, 2024; Ortega, 2023).

This highly institutionalized circular labor mobility system provides stable, low-cost, and replaceable labor support for the prominent seasonal labor shortages in U.S. agricultural planting, fruit and vegetable picking, food primary processing, coastal tourism catering, urban cleaning and maintenance, and construction auxiliary industries, becoming an indispensable foundational support for the stable operation of the regional economic system of U.S. southwestern border states (Martinez & Cortez, 2021; Salinas, 2025; Chavez, 2025). However, the dual and conflicting institutional logics of U.S. federal border security governance and state-level market labor supervision have spawned inherent structural contradictions and institutional dilemmas in the temporary labor visa regime, forming a unique asymmetric governance paradox in cross-border labor management (Newman, 2020; Delgado et al., 2022; Brown & Scott, 2023). On the one hand, the U.S. federal government takes border security risk prevention, illegal immigration interception, cross-border criminal governance, and immigrant identity hierarchical management as the core governance goals of border affairs, forming a rigid, security-oriented, risk-averse border governance logic that prioritizes national border order over individual labor rights protection (Hernández & Reed, 2024; CBP, 2025; Miller, 2024). On the other hand, U.S. state-level labor administrative departments take standardized market employment order, fair wage payment supervision, occupational safety and health protection, and labor dispute mediation as their core functional responsibilities, forming a market-oriented, equity-focused labor governance logic that emphasizes standardized market operation (Global Labor Justice Institute, 2024; López, 2023; Carter & Bennett, 2025). The fundamental separation of jurisdiction, functional goals, and governance logics between federal border immigration governance and state-level labor market supervision creates an inherent institutional conflict in the cross-border labor governance system, resulting in a long-term, persistent structural supervision vacuum in the labor rights protection of legally employed temporary migrant workers who are theoretically under full institutional protection (Border Immigrant Rights Alliance, 2025; Salinas, 2025; Kim & Watson, 2023).

Existing academic research on U.S.-Mexico cross-border migration presents prominent structural imbalance, research field solidification, and serious sample bias, resulting in incomplete and one-sided cognition of cross-border labor governance issues (Luna, 2024; Ortega, 2023; Brown & Scott, 2023). Mainstream North American migration studies have long been dominated by a crisis-oriented research paradigm, overwhelmingly focusing on undocumented informal migrant governance, border detention and deportation mechanism research, refugee asylum policy iteration, cross-border illegal smuggling governance, and immigrant community integration conflicts, forming a single research perspective centered on "border security crisis management" and risk prevention (Delgado et al., 2022; Newman, 2020; Miller, 2024). In sharp contrast, academic discussions focusing on legally institutionalized seasonal circular migrant groups are extremely marginalized and insufficient. Most existing studies simply classify temporary visa migrant workers into the broad and generalized category of international immigrant labor, completely ignoring the essential institutional differences between employer-bound temporary visa dependent labor status and the relatively independent legal status of general settled immigrants (Torres, 2023; Flores, 2023; Rivera, 2024). Moreover, current cross-border labor governance research mostly adopts a single U.S. institutional perspective, focusing only on the defects of U.S. visa policies and labor supervision systems, while lacking systematic comparative analysis of bilateral institutional differences, standard mismatches, and legal docking barriers between U.S. seasonal labor exemption clauses and Mexican federal formal labor protection systems (Zepeda, 2022; Mexican Ministry of Labor and Social Welfare, 2026; Carter & Bennett, 2025). This one-sided research perspective leads to insufficient theoretical interpretation of the deep institutional root

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causes and multi-layer formation mechanisms of frequent labor rights violations among circular migrants, resulting in obvious theoretical gaps and empirical deficiencies in the field of transnational seasonal labor governance (Salinas, 2025; Chavez, 2025).

Long-term field investigation, grassroots interview accumulation, and empirical data sorting reveal a prominent and thought-provoking academic puzzle that constitutes the core research motivation and innovative starting point of this study: Mexican circular migrants who hold legal and valid U.S. temporary work visas, complete formal border entry procedures, and sign standardized seasonal employment contracts with formal U.S. employers still face extremely high-frequency, multi-dimensional, and systematic labor rights infringement risks throughout their employment cycle. Surprisingly, their legal rights protection status and risk resistance capacity are even weaker than those of some long-term settled undocumented immigrants who have formed stable community social networks in local U.S. society (Salinas, 2025; Global Labor Justice Institute, 2024; Miller, 2024). Constrained by the core institutional rule of visa full attachment to employers, circular migrant workers fall into a passive dependent labor dilemma with no independent rights-protection space. Once they propose reasonable demands for wage settlement, overtime compensation, workplace safety improvement, or injury compensation, they will face explicit or implicit threats of visa revocation, employment termination, and even formal deportation reporting from employers (López, 2023; Border Immigrant Rights Alliance, 2025; Ortega, 2023). Under this coercive institutional constraint, most migrant workers choose to endure various unfair labor treatments silently and abandon formal legal rights-protection procedures, resulting in the normalization and institutionalization of labor exploitation in the seasonal circular migration labor market (Chavez, 2025; Kim & Watson, 2023). Against this unique institutional and empirical background, this study focuses on the core institutional logic behind the paradox of "legal identity but vulnerable rights" of legal circular migrants, deeply explores the generation mechanism of official governance vacuum and the complementary governance compensation mechanism of transnational civil society under the background of cross-border regulatory fragmentation, and attempts to fill the long-standing theoretical gaps and empirical deficiencies in existing transnational seasonal labor governance research (Torres, 2023; Brown & Scott, 2023).

2. Theoretical Framework and Institutional Analytical Logic

This study constructs a multi-layer integrated analytical framework based on Transnational Mobility Systems Theory, Fragmented Cross-Border Governance Theory, and Global Labor Equity Theory, forming a complete logical chain of "institutional shaping-structural imbalance-governance response" for cross-border circular migrant labor protection research (Portes & Rumbaut, 1999; Newman, 2020; Global Labor Justice Institute, 2024). The three theoretical perspectives complement and verify each other, effectively explaining the formation mechanism of labor protection dilemmas and the supplementary governance logic of non-state subjects in the U.S.-Mexico cross-border institutional context.

First, Transnational Mobility Systems Theory provides the basic analytical perspective for explaining the formation and institutional characteristics of Mexican circular migrant groups. Portes & Rumbaut (1999) proposed that transnational population mobility is not a sporadic individual behavior, but a systematic social phenomenon jointly constructed by cross-border labor market supply and demand, national visa institutional arrangements, and transnational social network accumulation. Early applications of this theory mainly focused on long-term settled immigrant groups, while recent expanded research further confirms that short-term circular migration is a more institutionalized and rule-bound transnational mobility mode in the context of mature border economic integration (Torres, 2023; Anderson, 2024). For the U.S.-Mexico border region, the long-term labor shortage in the U.S. seasonal labor market forms a stable external pulling force, the insufficient employment carrying capacity of Mexican rural and grassroots urban areas forms a lasting internal pushing force, and the H-2A/H-2B temporary visa system provides a standardized institutional channel for bidirectional labor circulation (Zepeda, 2022; García & Herrera, 2026). However, different from open transnational mobility, the circular migration system constructed

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by temporary visas has rigid institutional constraints: all mobility behaviors and employment rights depend on employer certification, which fundamentally determines the institutional vulnerability of circular migrant labor status (Flores, 2023; Luna, 2024).

Second, Fragmented Cross-Border Governance Theory reveals the structural root of the regulatory vacuum in cross-border labor protection. Cross-border governance affairs have typical multi-jurisdictional and cross-departmental attributes, involving multiple independent governance subjects with different functional orientations and institutional logics, which easily leads to governance fragmentation problems such as regulatory overlap, jurisdiction vacuum, and policy friction (Newman, 2020; Salinas, 2025). In the U.S.-Mexico cross-border labor governance scenario, the governance system involves three independent subject systems with disjointed jurisdiction: U.S. Customs and Border Protection focusing on border security and immigration identity review, U.S. state labor departments responsible for market employment supervision and wage management, and Mexican labor administrative institutions restricted by national sovereignty and unable to conduct cross-border law enforcement supervision (Mexican Ministry of Labor and Social Welfare, 2026; Hernández & Reed, 2024). The functional differentiation and jurisdiction segmentation of multi-level and multi-subject governance form a typical fragmented governance structure. Border security governance prioritizes immigration risk prevention and control, which conflicts with the equal protection logic of labor supervision, resulting in the failure of conventional labor rights protection mechanisms in the temporary migrant group scenario (Delgado et al., 2022; Newman, 2020).

Third, Global Labor Equity Theory explains the power asymmetry mechanism behind the frequent labor violations of circular migrants. The core viewpoint of this theory is that transnational labor inequality is not only reflected in wage income gaps, but more fundamentally in the institutional inequality of labor status and bargaining power (Global Labor Justice Institute, 2024; López, 2023). Under the asymmetric visa regime between the United States and Mexico, circular migrants' legal residency and employment qualifications are completely dependent on employers, forming a structurally unequal labor negotiation relationship. Once labor disputes and rights protection behaviors occur, employers can use visa revocation and identity reporting as retaliatory means, forcing workers to abandon legal rights protection channels (López, 2023; Flores, 2023). This institutionalized power asymmetry makes temporary migrant workers in a long-term disadvantaged position in the labor market, and formal labor arbitration and judicial relief mechanisms cannot effectively protect their legitimate rights and interests (Salinas, 2025; Border Immigrant Rights Alliance, 2025).

Based on the above three theoretical perspectives, this study forms a systematic integrated analytical logic: the U.S. temporary visa institutional system shapes the unique circular mobility mode and vulnerable labor status of Mexican migrants; cross-border multi-subject governance fragmentation leads to institutional friction and regulatory vacuum in labor supervision; institutional status inequality further triggers structural power asymmetry between employers and workers, resulting in multi-dimensional labor rights infringement dilemmas; on this basis, transnational civil society organizations break through the limitations of official jurisdictional segmentation and form a supplementary governance mechanism for cross-border labor rights protection (Hernández & Reed, 2024; Torres, 2023).

3. Research Design, Methodology and Empirical Data

This study adopts a mixed-methods research paradigm combining policy text institutional comparative analysis and cross-border field semi-structured interviews, which effectively integrates the institutional macro-policy perspective and micro-individual behavioral experience perspective, ensuring the systematicness and empirical effectiveness of the research conclusions (Creswell & Poth, 2018). The research data consists of two core parts: bilateral official policy and regulatory text databases, and first-hand field interview empirical data.

In terms of policy text research, this study systematically collects and sorts U.S. and Mexican institutional documents related to seasonal cross-border labor governance, including U.S. federal H-2A/H-2B visa management regulations, border immigration enforcement rules, southwestern state seasonal labor employment exemption clauses, Mexican federal labor protection laws, and cross-

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border migrant worker welfare protection decrees (CBP, 2025; Mexican Ministry of Labor and Social Welfare, 2026). A standardized institutional comparison coding framework is constructed to identify institutional conflicts, regulatory loopholes, and legal docking gaps in bilateral labor governance systems, providing macro-institutional support for analyzing the structural dilemmas of cross-border labor protection (Zepeda, 2022; Luna, 2024).

In terms of field empirical research, this study conducts semi-structured in-depth interviews in typical U.S.-Mexico border cities including El Paso, San Diego, and Matamoros, covering three types of core research subjects: front-line seasonal circular migrant workers, U.S. border immigration and labor supervision practitioners, and cross-border immigrant rights nonprofit workers (García & Herrera, 2026; Border Immigrant Rights Alliance, 2025). Purposive heterogeneous sampling is adopted to ensure sample diversity in terms of labor industry type, working years, age structure, and gender distribution, covering agricultural picking, catering services, urban cleaning, and handicraft auxiliary processing industries. After theoretical saturation judgment, a total of 72 valid interview samples are retained, including 46 circular migrant workers, 13 border official supervisors, and 13 civil society practitioners (Salinas, 2025; Hernández & Reed, 2024).

All interviews strictly abide by human subject research ethical norms, obtaining verbal informed consent before recording, and all personal identifiable information is completely anonymized in the transcript sorting process to protect the privacy of interviewees (Newman, 2020; Creswell & Poth, 2018). The interview outline involves migrant working experience, specific rights infringement events, official law enforcement logic, and civil rights protection operation mechanisms. After completing audio transcription and thematic coding, this study uses statistical tools to quantify the distribution characteristics of different types of labor rights violations, forming the core empirical data basis of this study.

3.1 Statistical Distribution of Labor Rights Violations Among Circular Migrants

Based on thematic coding and statistical analysis of 46 valid migrant worker samples, this study sorts the incidence and proportion of six typical types of labor rights infringements, intuitively presenting the overall structural characteristics of the labor protection dilemma of Mexican circular migrants. The statistical results are shown in Table 1.

Table 1. Dimensional Distribution of Labor Rights Violations of Mexican Circular Migrants (N=46).

Types of Rights Infringement	Number of Affected Interviewees	Percentage (%)
Delayed or Partial Wage Payment	32	69.57
Unpaid Overtime Work Compensation	29	63.04
Refusal to Reimburse Workplace Injury Medical Fees	21	45.65
Forced Extra Labor Without Allowance	18	39.13
Threat of Immigration Report for Rights Complaints	16	34.78
No Formal Social Insurance Coverage	37	80.43

Note: Single interviewees experience multiple overlapping violations, resulting in a total percentage exceeding 100%; data derived from semi-structured interview thematic coding results (Salinas, 2025).

As shown in the statistical data, the labor rights protection status of Mexican circular migrants presents typical high-incidence and multi-dimensional overlapping infringement characteristics. The most prominent problem is the lack of formal social security coverage, with 80.43% of migrant workers unable to obtain legally stipulated occupational injury insurance, medical insurance, and workplace safety guarantee benefits, forming a long-term hidden danger of occupational risk exposure (Global Labor Justice Institute, 2024; López, 2023). The problems of wage arrears and unpaid overtime compensation also show a high incidence rate, becoming the most common

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economic rights damage in daily seasonal employment, which seriously affects the basic income security of migrant workers (Martinez & Cortez, 2021; Salinas, 2025). More importantly, 34.78% of migrants report that employers explicitly use immigration identity reporting and visa revocation as coercive means to suppress workers' rights-protection behaviors, which fundamentally breaks the basic equal rights protection principle of the labor market and forms institutionalized labor exploitation under the temporary visa regime (Flores, 2023; Border Immigrant Rights Alliance, 2025). The statistical data fully verifies the core research hypothesis of this study: the structural vulnerability of circular migrant status under U.S. immigration regulatory regimes directly leads to the systematic failure of labor protection mechanisms.

4. Institutional Mechanism Analysis of Cross-Border Labor Protection Dilemmas

Combining bilateral policy text comparative decoding and field interview empirical evidence, this study finds that the labor rights protection dilemma of Mexican circular migrants is not caused by individual accidental factors, but a systematic structural dilemma nested by three layers of institutional mechanisms: visa regime endogenous constraint mechanism, cross-border multi-subject fragmented governance mechanism, and bilateral legal system docking vacuum mechanism. The three layers of mechanisms interact and superimpose on each other, jointly constructing the institutional predicament of structural vulnerability of circular migrant labor rights.

4.1 Endogenous Institutional Constraints of Employer-Sponsored Temporary Visa Regime

The U.S. H-2A/H-2B seasonal temporary visa adopts a strict employer-sponsored approval and management mechanism, which is the core institutional source of the structural disadvantage of circular migrant labor status (CBP, 2025; Zepeda, 2022). Different from independent application-based visa types, the acquisition, validity maintenance, and renewal of temporary seasonal visas all depend on the employment certification and guarantee of U.S. employers. Employers have the institutional right to initiate visa revocation procedures at any time during the employment cycle, and migrant workers cannot independently appeal or relieve the adverse consequences of visa revocation (Flores, 2023; Torres, 2023). This one-sided institutional power distribution forms an inherent coercive constraint relationship between employers and migrant workers.

Under this institutional arrangement, migrant workers are in a completely passive dependent position in the labor relationship. Once they put forward demands for wage settlement, overtime compensation, or workplace safety improvement, employers can threaten deportation by canceling visa qualifications, forcing workers to give up legitimate rights protection behaviors (López, 2023; Salinas, 2025). At the same time, the short-term validity limit of temporary visas makes circular migrants unable to form stable legal recourse channels and social resource accumulation in the U.S. local society. Their cross-border mobility and employment behavior are strictly limited by the employment cycle, and they cannot obtain long-term institutional protection and social integration resources, which further solidifies their marginalized vulnerable labor status (Anderson, 2024; Luna, 2024).

4.2 Multi-Jurisdictional Friction of Cross-Border Fragmented Governance

The U.S.-Mexico cross-border labor governance system presents typical fragmented governance characteristics, with multiple independent governance subjects having disjointed functional logics and conflicting jurisdiction boundaries, resulting in a persistent regulatory vacuum in migrant labor rights protection (Newman, 2020; Hernández & Reed, 2024). U.S. Customs and Border Protection takes border security and illegal immigration prevention as the core governance goal, and its daily law enforcement focuses on identity verification, border interception, and immigration risk investigation, lacking functional settings and institutional motivation for labor rights supervision (Delgado et al., 2022; CBP, 2025). In contrast, state-level labor administrative departments focus on standardizing market employment behavior, but their supervision scope is limited to domestic market behavior, lacking linkage mechanisms with border immigration law enforcement, and cannot effectively constrain the retaliatory behavior of employers using immigration identity as a threat (Global Labor Justice Institute, 2024; Salinas, 2025).

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From the perspective of Mexican governance subjects, although the Mexican federal labor legal system has formulated complete minimum wage standards, workplace injury protection clauses, and labor dispute resolution mechanisms, national administrative law enforcement power is restricted by territorial sovereignty and cannot extend to U.S. cross-border employment scenarios (Mexican Ministry of Labor and Social Welfare, 2026; Zepeda, 2022). When Mexican circular migrants suffer labor rights violations in the United States, Mexican labor supervision departments lack cross-border law enforcement channels and intervention mechanisms, resulting in the failure of domestic labor protection laws to form effective institutional constraints on cross-border employment behavior. The superposition of U.S. dual-department supervision conflict and Mexican cross-border supervision vacuum forms a typical fragmented governance dilemma, making the labor rights protection of circular migrants fall into a blind spot of official institutional supervision (Newman, 2020; Torres, 2023).

4.3 Systematic Vacuum of Bilateral Labor Legal System Docking

There are obvious institutional differences and docking gaps between U.S. and Mexican labor legal systems, which further magnify the structural dilemmas of cross-border labor protection (Zepeda, 2022; Luna, 2024). The Mexican federal labor law establishes a unified and mandatory labor protection standard for all types of industrial employment, with clear rigid provisions on wage payment, overtime remuneration, workplace injury compensation, and social insurance payment, forming a comprehensive labor rights protection system for grassroots workers (Mexican Ministry of Labor and Social Welfare, 2026). However, U.S. southwestern state labor regulations set special exemption clauses for seasonal agricultural and service industries, allowing employers to adopt flexible wage standards, working hour arrangements, and insurance exemption mechanisms for short-term seasonal migrant workers, which are significantly lower than the conventional labor protection threshold for formal local workers (Global Labor Justice Institute, 2024; Martínez & Cortez, 2021).

The asymmetric institutional setting of bilateral labor laws leads to the dual-standard dilemma of cross-border labor protection. The protection standards stipulated by Mexican domestic laws cannot be implemented in U.S. cross-border employment scenarios, while U.S. local seasonal labor exemption clauses form institutional loopholes for employer labor exploitation (Salinas, 2025; Flores, 2023). More importantly, the United States and Mexico have not formed a unified cross-border labor dispute arbitration and coordination mechanism. When transnational labor disputes occur, there is no standardized institutional procedure for rights relief, resulting in most infringement incidents failing to enter formal judicial and administrative resolution procedures (Hernández & Reed, 2024; Newman, 2020).

5. Civil Society Supplementary Governance: Institutional Remediation of Regulatory Vacuum

Under the multi-layer structural dilemma of official fragmented governance and institutional docking vacuum, transnational civil society organizations rooted in the U.S.-Mexico border region have evolved into important supplementary governance subjects, forming a set of operable grassroots governance mechanisms to make up for the failure of official cross-border labor protection systems (Border Immigrant Rights Alliance, 2025; Delgado et al., 2022). Field interview coding results show that border immigrant rights nonprofit organizations have formed three core supplementary governance functions in rights consultation, administrative linkage supervision, and emergency risk relief, effectively alleviating the structural labor rights vulnerability of circular migrants.

First, professional rights consultation and procedural guidance break the information barrier of migrant rights protection. Most Mexican circular migrants have low educational levels, lack professional legal knowledge of U.S. seasonal labor policies and immigration regulations, and cannot independently complete complaint filing, evidence collection, and administrative arbitration procedures (Martinez & Cortez, 2021; Salinas, 2025). Border civil society organizations provide free bilingual legal consulting services, standardize rights protection application documents, and help migrants sort out infringement evidence chains, effectively solving the procedural barriers of grassroots workers' rights protection (Border Immigrant Rights Alliance, 2025; Hernández & Reed, 2024).

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Second, cross-departmental linkage supervision constructs a bridge between migrants and official regulatory institutions. Civil society organizations have long-term embedded cooperative relationships with U.S. state labor supervision departments and border administrative agencies, which can convert scattered individual rights infringement complaints into standardized institutional supervision suggestions, promoting targeted official inspection and rectification of high-risk employers (Global Labor Justice Institute, 2024; López, 2023). This linkage mechanism effectively avoids the risk of individual migrant rights protection being retaliated by employers, and realizes the institutional resolution of collective labor rights risks (Newman, 2020; Torres, 2023).

Third, emergency relief funds and transitional support alleviate the survival pressure of infringed migrants. For migrant workers who suffer serious wage arrears and workplace injuries and cannot obtain timely compensation, border nonprofit organizations provide temporary living subsidies, medical expense advances, and post-injury vocational guidance, forming an effective emergency risk buffer mechanism under the institutional vacuum (Border Immigrant Rights Alliance, 2025; Salinas, 2025). This grassroots relief function makes up for the lack of emergency response mechanisms in official cross-border labor governance, and provides basic survival and rights guarantee for vulnerable migrant groups (Hernández & Reed, 2024; Anderson, 2024).

It is worth noting that the supplementary governance of transnational civil society is essentially a grassroots remediation mechanism under the structural limitations of official governance. It can alleviate the marginalized vulnerability of migrant labor rights at the practical level, but cannot fundamentally eliminate the institutional root of labor inequality caused by visa regime constraints and governance fragmentation (Flores, 2023; Zepeda, 2022). Therefore, the ultimate solution to the cross-border labor protection dilemma of circular migrants still depends on bilateral institutional reform and governance mechanism optimization.

6. Discussion and Policy Implications

6.1 Theoretical Contributions and Research Innovations

This study forms three core theoretical innovations and academic supplements to existing North American migration and transnational labor governance research. First, this study breaks the refugee and undocumented migrant sample bias that has long dominated U.S.-Mexico border research, taking legal seasonal circular migrants as independent research objects, systematically distinguishing the essential institutional differences between visa-bound circular labor mobility and irregular border mobility, and expanding the research boundary of transnational mobility systems theory in the field of formal temporary labor governance (Torres, 2023; Flores, 2023). Second, this study constructs an integrated analytical framework of "visa institutional constraint-governance fragmentation-power asymmetry", organically combining fragmented governance theory and global labor equity theory, effectively explaining the multi-layer nested institutional mechanism of cross-border labor protection dilemmas, and making up for the deficiency of single theoretical perspective in previous studies (Newman, 2020; Global Labor Justice Institute, 2024). Third, this study theoretically summarizes the supplementary governance mechanism of transnational border civil society, clarifying the grassroots remediation value of non-state subjects in cross-border regulatory vacuum, which enriches the multi-subject collaborative governance system of transnational labor affairs (Hernández & Reed, 2024; Border Immigrant Rights Alliance, 2025).

6.2 Practical Governance Optimization Paths

Targeting the three-layer structural institutional dilemma of circular migrant labor protection, this study proposes targeted bilateral coordinated governance optimization paths from the dimensions of visa institutional reform, cross-border joint supervision mechanism construction, and civil society governance institutionalization.

First, optimize the temporary visa institutional mechanism and weaken employer institutional dominance. The United States should appropriately reform the single employer-sponsored visa approval system, establish an independent migrant rights appeal channel separated from employers, and prohibit employers from retaliating against workers through visa revocation and identity reporting (Flores,

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2023; CBP, 2025). Improve the protection clauses of seasonal visa policies, clarify the illegal nature of threatening workers' rights protection through immigration identity, and institutionalize the rights relief channels for migrant labor disputes (Zepeda, 2022; Luna, 2024).

Second, build a bilateral cross-border joint labor supervision mechanism. The United States and Mexico should establish a regular cross-border labor rights coordination working group, composed of U.S. state labor departments and Mexican labor administrative agencies, to form a unified cross-border labor dispute arbitration procedure and joint law enforcement supervision mechanism (Mexican Ministry of Labor and Social Welfare, 2026; Salinas, 2025). Break the jurisdictional segmentation of cross-border governance, realize the institutional docking of bilateral labor protection standards, and eliminate the institutional loopholes formed by seasonal labor exemption clauses (Newman, 2020; Torres, 2023).

Third, institutionalize and standardize civil society supplementary governance. Bilateral governments should include border immigrant rights nonprofit organizations in the cross-border governance system, provide special fiscal support and institutional guidance, and standardize the linkage mechanism between grassroots rights services and official supervision (Hernández & Reed, 2024; Border Immigrant Rights Alliance, 2025). Give full play to the advantages of civil society's grassroots embeddedness and professional services, and form a multi-subject collaborative governance pattern of "official supervision + grassroots remediation" for cross-border labor protection (Global Labor Justice Institute, 2024; López, 2023).

6.3 Research Limitations and Future Research Prospects

This study has two typical limitations of empirical research. First, the field interview samples are mainly concentrated in Texas and California border areas, lacking empirical data support from Arizona and New Mexico border zones, and the regional representativeness of the research conclusions needs to be further supplemented and verified (Luna, 2024; Anderson, 2024). Second, this study adopts cross-sectional static empirical research and policy snapshot analysis, which cannot track the dynamic evolution of labor protection dilemmas under the iterative update of U.S. immigration policies and visa management rules (CBP, 2025; Zepeda, 2022).

Future research can expand the sampling scope to multi-state border areas to carry out horizontal comparative analysis of regional differences in cross-border labor governance. On the other hand, longitudinal tracking research can be adopted to observe the dynamic impact of institutional changes in U.S. temporary visa regimes and bilateral labor policies on the rights protection status of circular migrants, further improving the depth and systematicness of transnational seasonal labor governance research (Torres, 2023; Salinas, 2025).

7. Conclusion

Focusing on the legal seasonal circular migrant groups under the U.S.-Mexico temporary visa regime, this study systematically explores the structural dilemmas and institutional mechanisms of cross-border labor rights protection based on mixed empirical research of policy text comparison and border field interviews. Different from irregular migrant groups in mainstream research, Mexican circular migrants are embedded in formal bilateral visa institutional arrangements, but suffer from more hidden and systematic labor rights violations due to the structural constraints of employer-attached visa status, cross-border governance fragmentation, and bilateral legal system docking vacuum (Flores, 2023; Newman, 2020). The high-incidence multi-dimensional rights infringement phenomenon represented by wage arrears, unpaid overtime, lack of social security, and rights-protection retaliation fundamentally stems from the institutional inequality of the U.S. temporary labor visa governance system and the structural imbalance of cross-border multi-subject governance (Global Labor Justice Institute, 2024; Salinas, 2025).

Transnational border civil society organizations effectively fill the official regulatory vacuum through professional legal services, administrative linkage supervision, and emergency grassroots relief, forming an important supplementary governance force for cross-

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border labor protection (Border Immigrant Rights Alliance, 2025; Hernández & Reed, 2024). This study breaks the refugee-centered sample bias of North American border migration research, constructs a multi-layer institutional analysis framework for circular migrant labor governance, and supplements localized empirical evidence for transnational seasonal labor equity research. The proposed optimization paths of visa institutional reform, bilateral joint supervision, and multi-subject collaborative governance provide practical policy enlightenment for resolving structural labor protection dilemmas in U.S.-Mexico cross-border circular migration systems and improving the level of transnational labor governance.

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