

September 30, 2025. The Department of Labor Publishes Interim Final Rule Revising the Methodology Used to Determine the Adverse Effect Wage Rates for Non-Range Occupations in the H-2A Program

The U.S. Department of Labor (Department) has published an interim final rule (IFR) that amends its regulations regarding the methodology used to determine the Adverse Effect Wage Rates (AEWRs) for non-range agricultural occupations in the H-2A visa program. The new methodology adopts the Occupational Employment and Wage Statistics (OEWS) survey administered by the Department's Bureau of Labor Statistics (BLS) as the sole source of wage information to establish AEWRs that better represent the average wages paid to U.S. workers similarly employed based on the skills and qualifications required by employers who are seeking to employ H-2A nonimmigrant workers. To address differences in compensation between most U.S. workers and H-2A workers who receive employer-provided housing at no cost, the Department is also adopting a standard adjustment factor to account for this non-monetary compensation that will only apply to the AEWRs paid to H-2A workers in the job opportunity.

For the vast majority of H-2A job opportunities, the Department will use the OEWS survey data to establish AEWRs applicable to five Standard Occupational Classification (SOC) codes combining the most common field and livestock worker occupations previously measured by the U.S. Department of Agriculture's (USDA) Farm Labor Survey (FLS), which covered six SOC codes. These AEWRs will be divided into two skill-based categories to account for wage differentials arising from qualifications contained in the employer's job offer. For all other occupations, the Department will use the OEWS survey to determine two skill-based AEWRs for each SOC code to reflect wage differentials. The threshold determination for assigning the SOC code(s) and applicable skill-based AEWR will be based on the duties performed for the majority of the workdays during the contract period and qualifications contained in the employer's job offer.

New Skill-Based AEWRs:

In order for employers to understand their wage obligations upon the effective date of this IFR, the Department is providing below a comprehensive Microsoft Excel file that includes the statewide AEWRs for Skill Level I (Entry-Level) and Skill Level II (Experience-Level) qualifications applicable to the field and livestock workers (combined) category under 20 CFR 655.120(b)(1)(i), and for every other SOC code not covered by the field and livestock workers (combined) category under 20 CFR 655.120(b)(1)(ii). In addition, the Department is listing in the last column the statewide downward compensation adjustments to the applicable

AEWRs that can only be applied to H-2A workers who are provided with housing at no cost pursuant to 20 CFR 655.120(b)(3) of this IFR.

- [View the statewide 2025-2026 IFR AEWRs](#)

IFR Effective Date:

The new AEWR methodology adopted in this IFR will apply to any H-2A job orders for non-range job opportunities submitted to the NPC in connection with an *Application for Temporary Employment Certification*, as set forth in 20 CFR 655.121, on and after **September 30, 2025**, including job orders filed concurrently with an *Application for Temporary Employment Certification* to the NPC for emergency situations under 20 CFR 655.134.

Any job orders for non-range job opportunities submitted to the OFLC National Processing Center (NPC) in connection with an *Application for Temporary Employment Certification* for H-2A workers before the effective date of this final rule will be processed using the 2010 H-2A Final Rule methodology, under which the AEWR for all non-range H-2A job opportunities is equal to the annual average hourly gross wage rate for field and livestock workers (combined) in the State or region as reported by FLS.

Request for Public Comments:

The Department invites comments on all aspects of the AEWR methodology changes contained in this IFR. Interested persons are invited to submit written comments on this rule on or before Monday, **December 1, 2025**.

View the published 2025 AEWR interim final rule