

November 3, 2025. The Department of Labor Publishes Adverse Effect Wage Rates for Non-Range Occupations in the H-2A Program ; Implementation of Interim Final Rule.

On October 2, 2025, the U.S. Department of Labor (Department) published an interim final rule (IFR) amending 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 the AEWRs. This methodological change to the calculation of AEWRs more accurately represents the average wages paid to U.S. workers similarly employed by taking into account the skills and qualifications required by employers who are seeking to employ H-2A nonimmigrant workers. Additionally, the IFR addresses differences in compensation between most U.S. workers and H-2A workers who receive employer-provided housing at no cost by adopting a standard adjustment factor to account for this non-monetary compensation that applies only to the wages paid to H-2A workers employed in the job opportunity.

For the vast majority of H-2A job opportunities, the Department uses 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 are 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 uses 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 are based on the duties performed for the majority of the workdays during the contract period and qualifications contained in the employer's job offer.

IFR Effective Date:

The new AEWR methodology adopted in this IFR applies 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 October 2, 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 the IFR

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.

Impact of Government Shutdown:

The Department noted its intention to post contemporaneously with the publication of this IFR a Microsoft Excel file on the OFLC Foreign Labor Application Gateway (FLAG) System enabling interested parties to locate, by State and SOC code, the AEWRs applicable for Skill Level I (Entry-Level) and Skill Level II (Experience-Level) qualifications covering all other non-range job opportunities pursuant to 20 CFR 655.120(b)(1)(ii) of this IFR. However, due to the government shutdown, the processing of foreign labor certification applications and all activities associated with implementing regulatory requirements ceased through October 31, 2025.

Now that the processing of employer requests for prevailing wages and labor certification determinations for temporary and permanent employment in the United States has resumed, OFLC is able to post this announcement to implement the IFR along with all of the AEWRs applicable for Skill Level I (Entry-Level) and Skill Level II (Experience-Level) qualifications covering all other non-range job opportunities.

New Skill-Based AEWRs:

In order for employers to understand their wage obligations under 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](#)

A copy of these AEWRs will also be available on the OFLC FLAG website at <https://flag.dol.gov/wage-data/adverse-effect-wage-rates>.

Request for Public Comments:

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

- View the published 2025 AEWB [interim final rule](#)