

Announcements

February 23, 2021. The Department of Labor Publishes New 2021 H-2A Hourly Adverse Effect Wage Rates (AEWR) for Non-Range Occupations

The Department of Labor (DOL) has published a notice in the *Federal Register* announcing updates of the AEWRs for the employment of H-2A workers to perform agricultural labor or services other than the herding or production of livestock on the range. These rates are effective immediately pursuant to a recent federal court order. Supplemental Order Regarding Preliminary Injunctive Relief, *United Farm Workers, et al. v. U.S. Dep't of Labor, et al.*, No. 20-cv-1690 (E.D. Cal. Jan. 12, 2021), ECF No. 39. AEWRs are the minimum wage rates DOL has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment for a particular occupation and area so that the wages and working conditions of similarly employed workers in the United States will not be adversely affected. The notice announces the new hourly AEWRs, by State, for all agricultural employment (except for the herding or production of livestock on the range, which is covered by 20 CFR 655.200-235). Pursuant to the district court's orders in *United Farm Workers, et al. v. U.S. Dep't of Labor, et al.*, No. 20-cv-1690 (E.D. Cal.), which enjoined the Department from implementing the 2020 AEWR final rule, *Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States*, 85 FR 70445 (Nov. 5, 2020), and ordered the Department to operate under the 2010 rule, *Temporary Agricultural Employment of H-2A Aliens in the United States*, 75 FR 6884 (Feb. 12, 2010), the new hourly AEWRs are equal to the annual weighted average hourly wage rate for field and livestock workers (combined) in the state or region as published by the U.S. Department of Agriculture in the 2020 Farm Labor Report on February 11, 2021 and are effective immediately.

- [View the *Federal Register* notice announcing the 2021 Hourly AEWRs for non-range occupations](#)
- [View the AEWR page for the new rates for 2021, by State](#)

February 3, 2021. OFLC Releases the H-2B Foreign Labor Recruiter List for Q1 of Fiscal Year 2021

The Office of Foreign Labor Certification (OFLC) has published an updated list of the names of foreign labor recruiters for the H-2B program as required by [20 CFR 655.9\(c\)](#).

The list contains the name and location of persons or entities identified on Appendix C of the Form ETA-9142B that were hired by, or working for, the recruiter that employers have indicated they engaged, or planned to engage, in the recruitment of prospective H-2B workers to perform the work described on their H-2B application.

The H-2B Foreign Labor Recruiter List includes only those names and locations associated with H-2B applications that were processed or issued a final decision during the October 1, 2020, through December 31, 2020, reporting period of FY 2021.

By publishing the foreign labor recruiter list, OFLC is ensuring greater transparency for the H-2B worker recruitment process and facilitating information sharing between the U.S. Department of Labor and other agencies.

- [View the foreign labor recruiter list](#)
- [View FAQs regarding the foreign labor recruiting list](#)

February 3, 2021. OFLC Releases Public Disclosure Data and Selected Program Statistics for Q1 of Fiscal Year 2021.