

## December 16, 2022. Office of Foreign Labor Certification Publishes New 2023 H-2A Hourly Adverse Effect Wage Rates (AEWR) for Non-Range Occupations

The Employment and Training Administration has published a notice in the *Federal Register* announcing 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. AEWRs are the minimum wage rates the Department of Labor has determined must be offered and paid by employers to H-2A workers and workers in corresponding employment to help ensure the Department meets its statutory obligation to certify that the employment of H-2A foreign workers will not adversely effect the wages of agricultural workers in the U.S. similarly employed. The notice announces the new hourly AEWRs by State, for all agricultural employment (except for occupations involving herding or production of livestock on the range, which is covered by 20 CFR 655.200-235). Pursuant to the district court's order in *United Farm Workers, et al. v. U.S. Dep't of Labor, et al.*, No. 20-cv-01690, 2022 WL 1004855 (E.D. Cal. April 4, 2022), which vacated the Department's 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 remanded the rule to the Department for further rulemaking, the new hourly AEWRs are set according to the methodology in 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 Farm Labor Report. In addition, the average AEWR across all surveyed States constitutes the average AEWR, which is used to calculate adjustments to required bond amounts for H-2A Labor Contractors.

- [View the Federal Register notice announcing the 2023 Hourly AEWRs and average AEWR for non-range occupations](#)
- [View the AEWR page for the new rates, by State](#)
- [View the AEWR map for the new rates, by State](#)