**Agricultural Operations, Alien Employment Certification (AEC)**

**REFERENCES**

The Immigration and Nationality Act; The Code of Federal Regulations (CFR), Title 20, Chapter V, Part 656; and Technical Assistance Guide Number 656, Labor Certification.

**PURPOSE**

Since 1952, the Immigration and Nationality Act has provided for both temporary and permanent labor certifications for aliens to work in the United States. However, it must be demonstrated that there are no United States workers who are willing, able, qualified, and available to perform the job, and that the wages and working conditions of the job do not create an adverse impact on United States workers.

Until January 1984, the initial review and recruitment stages of processing were handled by Job Service Centers in Washington State. When completed, the application case files were sent to ESD’s Employment and Training (E&T) Division for transmittal to the U.S. Department of Labor (DOL), Region X. In January 1984, the entire responsibility for processing Alien Employment Certification (AEC) applications was centralized in the E&T Division’s AEC Unit.

In October 1997, the DOL embraced the processing of AEC applications utilizing the unused Reduction in Recruitment components of the federal regulations that do not require a labor test conducted by the AEC Unit. This was undertaken to offset large cuts in federal funding. The AEC Unit was instructed to review the previous recruitment efforts of the employer and immediately transmit the file to DOL’s Regional Certifying Officer.

**PERSONS AFFECTED**

ECDD Area Directors, ECDD Field Administrators, ECDD supervisors and staff who serve foreign workers, Employers who hire foreign workers

**POLICY**

It is the policy of the Employment Security Department (ESD) to:

1. Advise employers or their representatives of the federal regulations pertaining to the preparation of the Application for Alien Employment Certification (Form ETA 750, Parts A & B) and supporting documentation; and
2. Assist employers in testing the labor market (pursuant to federal regulations) for the availability of United States workers who are willing, able, qualified, and available to perform the job as described in the ETA 750 application; or
3. Review the prior efforts of the employer to locate and hire United States workers who are willing, able, qualified, and available to perform the job as described in the ETA 750 application.

**SUPERSEDES**

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| **Version** | **Date** | **Description** |
| 1.0 | 1/1/85 | New communication #7020 |
| 2.0 | 3/30/10 | Supersedes communication #7020 |

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