

## U.S. Labor Department to Immigration Lawyers: You're All Just Potted Plants

By Angelo A. Paparelli and Ted J. Chiappari\*

The U.S. Department of Labor, an agency with a key role in administering the immigration laws, is clearly in a tizzy over fraud, or more precisely, the perception of fraud within an alternate reality of the DOL's own creation. What else can explain the agency's recent actions (some overt and others in stealth mode) restricting the role of lawyers in the employment-based immigration process?

As this article will show, recent actions by the U.S. Department of Labor (DOL or Labor Department) – all premised on the purported need to stem the tide of immigration fraud – include:

- The announcement in a June 2, 2008 press release that the DOL had begun to audit 100% of the applications for foreign labor certification of Merrill Lynch, Goldman Sachs, GE, IBM and a host of other publicly-traded companies, all represented by America's largest immigration law firm;<sup>1</sup>
- A surreptitious change in agency regulations creating a gag rule which prevents immigration counsel (whether in-house or in private practice) from speaking with clients during key phases of the employment-based immigration process; and
- A proposed rule that would suspend lawyers from the practice of immigration law for up to three years without notice of debarment or an opportunity to be heard.

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<sup>1</sup>The law firm is Fragomen, Del Rey, Bernsen & Loewy LLP, a respected AmLaw 200 firm, recently highlighted in the June 1, 2008 issue of The American Lawyer. See, Susan Beck, "Feasting on Leftovers: Fragomen, Del Rey takes work that few firms want, uses a rate structure that most firms fear, and makes a fortune," The authors take no position with respect to the law firm's alleged conduct since the facts are largely unknown, except as sketchily revealed by the DOL in a June 2, 2008 press release ("U.S. Department of Labor auditing all permanent labor certification applications filed by major immigration law firm - Department acts to protect employment opportunities for American workers"), accessible at [http://www.doleta.gov/whatsnew/new\\_releases/2008-06-02.cfm](http://www.doleta.gov/whatsnew/new_releases/2008-06-02.cfm); last accessed on June 16, 2008).

Of the Labor Department's latest actions, perhaps the most jaw-dropping is the blanket audit of every labor certification application filed by numerous Fortune 500 companies all represented by the same law firm. What sins have the firm's attorneys allegedly committed that warrant such drastic administrative action? According to the DOL, some lawyers at the firm, heaven forbid, wrote to their clients and instructed them to consult with counsel during a key phase of the labor certification recruitment process.

### **Proving the Negative in Never-Never Land**

To understand why the DOL is exercised about the attorneys' alleged instructions to their guilt-edged clients, and why the agency's blanket audit is both unorthodox and ill-advised, the reader, alas, must first step, just a bit, into the murky waters of employment-based immigration procedures.

Applying for a labor certification is the first step in a years-long, multi-agency administrative process required of employers who seek to sponsor foreign-born employees for the coveted right of lawful permanent residency in the United States, colloquially-titled the "green card."

Under the DOL's automated, online process known as PERM (Program Electronic Review Management), before an employer may file a labor certification application seeking to employ a foreign citizen on a permanent basis, the business is required to engage in a good-faith recruiting effort. This DOL-mandated "test" of the labor market is intended to determine if any ready, willing and able U.S. workers (citizens, green-card holders, refugees and asylees) can be found.

This DOL-devised recruitment effort is unlike any in the real world of business. The employer must use print ads despite the overwhelming predominance today of internet-based recruiting.<sup>2</sup> The required "prevailing wage" is often inflated because it must be divined in a square-peg/round-hole process from an online DOL database listing fewer than 2,000 occupations, dumbed-down for bureaucratic convenience from the previous *Dictionary of Occupational Titles*, a compendium of over 40,000 job descriptions. The employer must consider as qualified for the advertised position any job applicants (though lacking the minimum requirements) whom the employer could train in a "reasonable" time. Also up for mandatory consideration are applicants who are clearly over-qualified for the job even though experience has taught that many over-qualified new hires grow bored quickly and soon resign. These are but a few of the deviations from real-world recruiting concocted by the DOL.<sup>3</sup>

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<sup>2</sup> See, e.g., "Newspaper Advertising Takes Big Fall," *New York Times*, B3, June 14, 2008, reporting a 14% drop in the first quarter of 2008, as the print advertising business "was lost to the internet."

<sup>3</sup> For additional DOL restrictions on recruitment, see generally, American Immigration Lawyers Association, *The David Stanton Manual on Labor Certification* (2005); and Joel Stewart, "Legal Rejection of U.S. Workers," April 24, 2000, ILW, accessible at <http://www.ilw.com/articles/2000.0424-stewart.shtm>, last accessed on June 14, 2008).

Once the recruitment process has been completed, the employer or its attorney or agent then completes an online application for labor certification and inputs directly into the DOL's database the required information confirming the job in question and the outcome of the employer's recruitment efforts. As originally envisioned, this automated process – according to DOL estimates – would reduce a long backlog of paper-based applications (some awaiting adjudication for up to five years) down to approximately 60 days or less, and lead to an automatic approval in cases that clear the agency's internal checks and are not designated for post-filing audit.<sup>4</sup> Immigration practitioners report, however, that audited cases involving the DOL's *post-hac* review of the employer's backup documentation now take up to a year until final decision.<sup>5</sup>

Counterintuitively, the DOL will issue an approved labor certification for a foreign worker only if the employer's recruiting efforts "fail." In order to "fail" the labor market test, the employer must establish to the DOL's satisfaction that the recruitment test produced no minimally qualified U.S. job applicants who met the employer's objective requirements for the offer of a prospective job (a job which the employer hopes will be filled or, more often, remain filled,<sup>6</sup> by the foreign worker if a green card is ultimately issued).

So what happens if a qualified, able, willing and available U.S. worker responds to the PERM recruitment effort, and the employer's test therefore is "successful"? The reader might reasonably assume that the qualified American worker must be hired. The reader would be wrong. The DOL does not require an employer whose recruitment "passes" the test to hire the qualified U.S. worker.<sup>7</sup> Rather, the Labor Department takes the position in its regulations that an employer may not "hire the foreign worker when a qualified U.S. worker is available."<sup>8</sup> Even if a U.S. worker is hired (thereby improving the American job market), a labor certification will not be certified under a bizarre concept

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<sup>4</sup> See 69 Fed. Reg. at 77,328 (supplementary information).

<sup>5</sup> Despite repeated requests by one of the authors, the DOL has declined to offer its estimate of the anticipated delay that audited employers, unaudited employers and their respective foreign workers must endure as a result of the blanket audit now underway.

<sup>6</sup> In most cases, the foreign employee named in a labor certification application is the incumbent in the position, and the employer presumably is satisfied with the worker's performance. Otherwise, the employer would not endure the withering labor certification and employment-based immigrant visa process on behalf of a foreign worker whose performance is sub-par. The DOL knows full well that the job is already filled by the sponsored foreign worker. See, DOL Technical Assistance Guide No. 656, § 656.21, at 57:

At times, the employer may not be interested in employing anyone other than the alien, and files a job order only because it is a prerequisite for processing the Application of Alien Employment Certification. Nevertheless, State employment service offices must perform the functions of recruitment, referral, and verification for every Application of Alien Employment Certification to conform with 20 CFR Part 656. Local offices should explain to such employers that the Immigration law allows aliens to become permanent residents of this country based on a job offer, in part, only if it can be shown that qualified US workers are not available and willing to accept employment in that job.

<sup>7</sup> June 4, 2008 email response of Terry Shawn, Special Assistant, DOL Office of Public Affairs, in answer to Question No. 4 in a series of questions posed by Angelo A. Paparelli (copy on file with the authors).

<sup>8</sup> *Id.*

known as “diversion.”<sup>9</sup> All is not lost, however, because the employer can try again in the future to “fail” the PERM labor-market test and, with that “failure,” place the valued foreign worker on the clear, though often interminable, path to a green card.<sup>10</sup>

### **The Mother of All Audits**

Shaking off the swampy waters of immigration procedure, and returning to consider the DOL’s blanket audit, the reader would not be faulted for asking: What specific actions has DOL alleged to justify an audit of such breathtaking scope? The answer:

The [DOL] has information indicating that in at least some cases the firm improperly instructed clients who filed permanent labor certification applications to contact their attorney before hiring apparently qualified U.S. workers. . . .

The [DOL]’s regulations specifically prohibit an employer’s immigration attorney or agent from participating in considering the qualifications of U.S. workers who apply for positions for which certification is sought, unless the attorney is normally involved in the employer’s routine hiring process. Where an employer does not normally involve immigration attorneys in its hiring process, there is no legitimate reason to consult with immigration attorneys before hiring apparently qualified U.S. workers who have responded to recruitment required by the permanent labor certification program.

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<sup>9</sup> See, *The BALCA (Board of Alien Labor Certification) Benchbook*, Ch. 23, § H, available at: [http://www.oalj.dol.gov/PUBLIC/INA/REFERENCES/REFERENCE\\_WORKS/DBCH23A.HTM#IV](http://www.oalj.dol.gov/PUBLIC/INA/REFERENCES/REFERENCE_WORKS/DBCH23A.HTM#IV) (last accessed on June 15, 2008).

<sup>10</sup> For extensive historical analysis of the dysfunctional procedural scheme for labor certification, a process not required by statute, but nonetheless established by the DOL, see Gary Endelman, “The Lawyer’s Guide to § 212(a)(5)(A): Labor Certification from 1952 to PERM,” 81 *Interpreter Releases* 1353, 1401 (Oct. 4 and 11, 2005) (“No one can defend the current system of labor certification with a straight face . . . [It] is a maze of contradictions with no exit). See also, Angelo A. Paparelli, “Did You Ever Have to Make Up Your Mind?” Policy Choices Driving the New PERM Rule,” 10-9 *Bender’s Immigration Bulletin* 1 (May 1, 2005)(available at :

[If] the DOL is truly concerned about stamping out fraud and deception, and accurately determining U.S. worker unavailability, fair-minded observers might ask why the agency has even chosen the PERM approach at all. PERM perpetuates the cruel hoax on American workers who are invited to apply for jobs in a “test” of the labor market under a regulatory scheme that imposes on the employer (whose sights are already set on the sponsored alien) no mandatory duty to hire any U.S. job applicant.

As these articles note, Immigration and Nationality Act § 212(a)(5), does not impose any duty on U.S. employers; rather, it requires the DOL to certify whether a shortage of qualified U.S. workers exists. Until the agency established its labor certification process and placed the onus on employers to prove a negative (the unavailability of American workers), the Labor Department merely announced job shortages based on unemployment statistics covering specific “shortage” occupations.

In other words, the Labor Department is conducting the largest audit in the history of the PERM program (and consigning perhaps thousands of foreign workers to even longer delays) because the law firm representing its clients “instructed” them to consult with counsel if an “apparently qualified” U.S. worker were to apply for the position. In a subsequent DOL FAQ, the agency elaborated on the alleged misbehavior:

Specifically, several recruitment forms drafted by some Fragomen attorneys instructed their clients that “After interview, should any of the applicants appear to be qualified for the position, please contact a Fragomen attorney immediately to further discuss the candidate’s background as it relates to the requirements stated for said position,” or some variation thereof.<sup>11</sup>

Soon after the DOL issued its press release, a firestorm of criticism erupted.<sup>12</sup> By what authority, many asked, does the DOL purport to restrict the right to counsel and the practice of law, and to do so by press release at the outset of an investigation? Of these criticisms, perhaps the most convincing is a June 4, 2008 letter from the leadership of the American Immigration Lawyers Association (AILA):

Contrary to the implication in the public affairs Q&A distributed by DOL yesterday, attorneys are permitted to do more than simply provide general information on the meaning of [a] “qualified [U.S. worker].” An intrinsic part of the right to counsel is the right to receive advice on the application of the law to specific facts. DOL cannot change this right to counsel, ingrained through decades of practice in the presence of the same regulatory language, via press release. . . .

AILA also is concerned about DOL’s press release because it appears to present as fact certain allegations that are still subject to investigation and review. Specifically, the press release announced not the completion of an investigation, with factual results, but rather, the initiation of a program of massive, blanket audits based upon a suspicion that attorney involvement in recruitment may have tainted the labor market test required under PERM.”<sup>13</sup>

### **Rulemaking Sleight-of-Hand**

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<sup>11</sup> See, June 4, 2008 DOL Information Statement, “Frequently asked questions on audit of permanent labor certification applications filed by attorneys at Fragomen, Del Rey, Bernsen & Loewy LLP,” Answer No. 2.

<sup>12</sup> See, e.g., a series of caustic editorial comments in *Immigration Daily*, “DOL Puts Foot in Mouth” (June 5, 2008), “The DOL Circus” (June 10, 2008), and “DOL in a Hole” (June 16, 2008), all accessible at [www.ilw.com](http://www.ilw.com) (last accessed on June 15, 2008).

<sup>13</sup> June 4, 2008 letter to Elaine S. Chao, DOL Secretary of Labor, p. 2, accessible at: [http://blogs.ilw.com/gregsiskind/files/aila\\_fragomen\\_letter.pdf](http://blogs.ilw.com/gregsiskind/files/aila_fragomen_letter.pdf) (last accessed on June 15, 2008).

AILA correctly notes that the DOL cannot abolish the right to counsel by press release.<sup>14</sup> It is also correct that this precious right has been “ingrained through decades of [labor-certification] practice in the presence of the same regulatory language.”<sup>15</sup> In the roll-out of PERM, however, the DOL materially changed the wording of another related section without announcing the change – an apparent violation of the notice and comment provisions of the Administrative Procedures Act. Specifically, the Labor Department altered 20 CFR § 656.10(b)(2)(i) by adding a new restriction on the role of the employer’s attorney so that it parallels a longstanding limit on the foreign worker’s lawyer. The cited regulation now provides in relevant part (with altered text italicized):

It is contrary to the best interests of U.S. workers to have the alien and/or agents or *attorneys for either the employer or the alien participate in interviewing or considering U.S. workers for the job offered the alien*. As the beneficiary of a labor certification application, the alien can not represent the best interests of U.S. workers in the job opportunity. The alien's agent and/or attorney can not represent the alien effectively and at the same time truly be seeking U.S. workers for the job opportunity. Therefore, the alien and/or the alien's agent and/or attorney may not interview or consider U.S. workers for the job offered to the alien, unless the agent and/or attorney is the employer's representative, as described in paragraph (b)(2)(ii) of this section. (Italics supplied.)

In turn, 20 CFR § 656.10(b)(2)(ii) states (without change from the prior version):

The employer's representative who interviews or considers U.S. workers for the job offered to the alien must be the person who normally interviews or considers, on behalf of the employer, applicants for job opportunities such as that offered the alien, but which do not involve labor certifications.

When an agency tries to slip altered text past the public, regrettable outcomes result. In this case, the DOL failed to provide an opportunity for public understanding of, and comment on, the proposed change. Moreover, the *sub-rosa* change could have been formulated more precisely because the public would surely have alerted the agency to a serious drafting flaw.

With this change of wording the DOL presumably intended that the attorney for the employer be subject to the same prohibition against interviewing or considering the qualifications of U.S. workers who apply for the job opportunity as has long applied to the lawyer for the foreign national. The changed rule as drafted, however, contains no explicit restriction limiting the conduct of the employer’s attorney during PERM

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<sup>14</sup> See, *Matter of HealthAmerica*, 2006-PER-00001 (BALCA 2006)(“Although web site FAQ postings are a very powerful method of disseminating information and undoubtedly provide helpful guidance to applicants and their representatives, they are not a method by which an agency can impose substantive rules that have the force of law”).

<sup>15</sup> 20 CFR § 656.10(b)(1), and comparably worded prior rules, have long provided that “[e]mployers may have agents or attorneys represent them throughout the labor certification process.”

recruitment. The first sentence of 20 CFR § 656.10(b)(2)(i) merely states the agency's interpretation that it is "contrary to the best interests of U.S. workers" if attorneys for the employer or the alien participate in interviewing or considering U.S. workers. This interpretation, however, is not backed up by any rule or proscription that applies directly to the employer's attorney. The remaining sentences of 20 CFR § 656.10(b)(2)(i) apply solely to "the alien and/or the alien's agent and/or attorney" in precluding their role in interviewing or considering U.S. workers.

Moreover, the DOL's under-the-radar insertion of the rule's additional text (italicized above) only serves to create more confusion. How far, according to DOL, does the expanded PERM-rule's ban on attorney participation or interviewing of U.S. workers extend? The first explanation the Labor Department offered came in a subsequent FAQ:

Nor is an attorney or agent of either the alien or the employer permitted to participate in interviewing or considering U.S. workers for the job offered the alien. The agent or attorney may only participate if the agent or attorney is the employer's representative, i.e., the person who normally interviews or considers, on behalf of the employer, applicants for job opportunities such as that offered the alien, but which do not involve labor certifications.<sup>16</sup>

The labor certification regulations do not define the term "consider." Administrative case law holds, however, that the lawyer (in most reported cases, the attorney for the alien) may not pre-screen and filter out resumes of some U.S. workers or conduct the interview of seemingly qualified applicants.<sup>17</sup>

In the labor certification context, the general understanding is that to "consider" is to make a hiring decision concerning an applicant.<sup>18</sup> By providing counsel during the process and consulting with the employer-client about specific job applicants, the attorney is not "considering" or even "participating in considering" U.S. workers. Rather, the attorney advises the employer on the application of the statute, regulations

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<sup>16</sup> Department of Labor, "Permanent Labor Certification Program: Final Regulation Frequently Asked Questions," April 7, 2005. Available at:

[http://www.foreignlaborcert.doleta.gov/pdf/perm\\_faqs\\_4-6-05.pdf](http://www.foreignlaborcert.doleta.gov/pdf/perm_faqs_4-6-05.pdf) (last accessed on June 15, 2008).

<sup>17</sup> See, *The BALCA (Board of Alien Labor Certification) Benchbook*, Ch. 13, §II.C, available at: [http://www.oalj.dol.gov/PUBLIC/INA/REFERENCES/REFERENCE\\_WORKS/DBCH3.HTM#IIC](http://www.oalj.dol.gov/PUBLIC/INA/REFERENCES/REFERENCE_WORKS/DBCH3.HTM#IIC) (last accessed on June 15, 2008); see also, *Matter of Scan, Inc.*, 97-INA-247 (BALCA 1998) (denial of labor certification application upheld where an attorney prescreened resumes), and cases cited therein.

<sup>18</sup> This interpretation maps the dictionary definition of the term "consider," which stresses the decision-making aspect of the word. According to the *Merriam-Webster On-Line Dictionary*, "consider" means: "to think about carefully . . . to think of especially with regard to taking some action <is considering you for the job>. . . Synonyms: consider, study, contemplate,[and] weigh mean to think about in order to arrive at a judgment or decision. Consider may suggest giving thought to in order to reach a suitable conclusion, opinion, or decision" (accessible at: <http://www.merriam-webster.com/dictionary/consider>; last accessed on June 15, 2008). The *Encarta Dictionary* defines the term as "to weigh possibilities before deciding" (definition 4, accessible at: [http://encarta.msn.com/dictionary/\\_/consider.html](http://encarta.msn.com/dictionary/_/consider.html); last accessed on June 15, 2008).

and decisional law to particular facts in order to ensure that the employer complies with the law. The attorney may also assist the employer in preparing a report embodying the employer's analysis of the recruitment effort as long as the employer formally adopts the report.<sup>19</sup>

Apparently stung by the criticism, the DOL issued a bulletin clarifying the term "consider."<sup>20</sup> The DOL bulletin shows that the agency has clearly abandoned the earlier dogmatic assertion in its June 2 press release that "[w]here an employer does not normally involve immigration attorneys in its hiring process, there is no legitimate reason to consult with immigration attorneys before hiring apparently qualified U.S. workers who have responded to recruitment required by the permanent labor certification program." With the issuance of the bulletin, the agency now accepts the reality of its unorthodox recruitment scheme and the resulting need for legal counsel:

[G]iven that the permanent labor certification program imposes recruitment standards on the employer that may deviate from the employer's normal standards of evaluation, the Department understands and appreciates the legitimate role attorneys and agents play in the permanent labor certification process, and respects the right of employers to consult with their attorney or agent during that process to ensure they are complying with all applicable legal requirements. . . .

After the evaluation of applications by the employer has been completed, the employer may consult with its attorney or agent about the implications of its qualification determinations on the labor certification application. Those consultations can encompass the question of whether applicants who were found by the employer to be unqualified were rejected for lawful, job related reasons.

But the bulletin confounds and oversteps as much as it clarifies given the DOL's concluding caveat:

Under no circumstances, however, should an attorney or agent seek to dissuade an employer from its initial determination that a particular applicant is minimally qualified, able, willing and available for the position in question.

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<sup>19</sup> In *Matter of Bimbo Bakery*, 94-INA-436 (BALCA 1995), BALCA observed that "[w]e have seen many instances where an employer's statements have been reduced to writing by its attorney and with the employer's signed affirmation have seen no reason not to consider such reports as being from the employer."

<sup>20</sup> U.S. Department of Labor Employment and Training Administration, Office of Foreign Labor Certification, "PERM Program Guidance Bulletin on the Clarification of Scope of Consideration Rule in 20 CFR 656.10(b)(2)," undated memorandum, AILA InfoNet (posted June 15, 2008).

The Labor Department cites no authority for this “dissuasion” restriction on counsel’s role. A simple hypothetical illustrates why a ban on dissuasion is unwise. Suppose an employer, fearing the DOL’s enforcement authority, mistakenly believes that the business must provide extensive, burdensome and costly training to an unqualified applicant, and therefore considers that applicant qualified. The lawyer for the employer could legitimately point out that the DOL regulation would treat that applicant as qualified only if the training could be conducted in a “reasonable” time. The lawyer, acting in the best interests of its employer client, could rightfully point out that such unreasonable training burdens and delay are not required by law or regulation. It is unlikely in this scenario that any court would hold that the lawyer acted improperly by seeking to dissuade an employer from its initial determination concerning the applicant’s qualifications.

### **Secret, “Unobjectionable” Immigration Lawyer Debarment**

It is outrageous that the DOL announced in a pre-investigation press release that it is auditing all of the clients of a law firm for recruitment-related advice that now is apparently blessed in the agency’s recent bulletin. It is more outrageous that the Labor Department inserts without mention a major change in longstanding labor certification regulations imposing new and confusing burdens on lawyers. Yet these actions arguably pale in comparison to the DOL’s latest proposed rule involving the temporary (H-2B) labor certification regulations.<sup>21</sup>

In the proposed H-2B rule, the DOL states its intention to debar an employer, attorney or agent for up to three years for a variety of improper behavior ranging from the clearly bad to the slight (failing to cooperate with the audit process or supervised recruitment). In the case of an immigration attorney, a final order of debarment would prevent the attorney from practicing before the DOL and the immigration agencies within the Department of Homeland Security,<sup>22</sup> essentially constituting a closure of the attorney’s immigration practice. The proposed rule would grant the agency authority to impose this powerful sanction without giving the lawyer notice of the intent to debar or a formal opportunity to object or appeal. Under the proposed rule, 20 CFR § 655.31, only the employer is accorded notice and the right of appeal.

### **No Potted Plants**

The Labor Department must be made to recognize – whether through Congress or the Courts – that lawyers are not “potted plants” who passively accept whatever harsh manure the agency tries to apply.<sup>23</sup> The DOL would instead do well to consider how best to restore a reasonable semblance of justice and fair process to the bureaucratic charade

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<sup>21</sup> Proposed Rule, “Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers), and Other Technical Changes,” 73 Federal Register 29942 *et seq.* (May 22, 2008).

<sup>22</sup> 8 CFR § 1003.102(e)(2).

<sup>23</sup> The authors thank attorney Brendan J Sullivan, Jr., for having said during an Iran-Contra hearing on July 9, 1987: “I’m not a potted plant. I’m here as the lawyer. That’s my job” when told by a Senator to allow his client, Lt Col Oliver L North, to object on his own if an objection seemed warranted. *Simpson’s Contemporary Quotations*, compiled by James B. Simpson, 1988 (accessible at: <http://www.bartleby.com/63/39/1639.html>; last accessed on June 16, 2008).

of its own invention known as labor certification. In considering how to be just and fair, the agency should recall the apt observations of two former presidents:

Any change is resisted because bureaucrats have a vested interest in the chaos in which they exist.

- Richard M. Nixon

Freedom is the recognition that no single person, no single authority or government has a monopoly on the truth. . . It's so hard for government planners, no matter how sophisticated, to ever substitute for millions of individuals working night and day to make their dreams come true. The fact is, bureaucracies are a problem around the world.

- Ronald Reagan<sup>24</sup>

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<sup>24</sup> The Nixon quote can be accessed at <http://thinkexist.com/quotes/with/keyword/bureaucrat/>; the Reagan quote is available at [http://quotes.liberty-tree.ca/quotes\\_about/bureaucracy](http://quotes.liberty-tree.ca/quotes_about/bureaucracy) (both links last accessed on June 16, 2008).