

# BUSINESS IMMIGRATION LITIGATION



The Klasko Immigration Law Partners' business immigration litigation team is a specialized team with decades of experience litigating cases U.S. Immigration Court, District Courts, Courts of Appeals, and the Supreme Court.

**Frustration is growing with federal immigration policies, regulations, interpretations, and processing times. Filing a lawsuit can be a powerful tool to hold USCIS and other federal agencies accountable for delayed or incorrect adjudications.**

When the government has denied an application or petition, or unreasonably delayed adjudication, and an employer or an individual has exhausted all other options, sometimes the next action is to file a lawsuit against the government. When considering this option, you need an experienced attorney team that has had a successful track record of filing immigration lawsuits. Increasingly, the only way to challenge arbitrary or erroneous immigration decisions is through litigation in federal court.

Foreign nationals and employers in search of a law firm to handle a denied application, petition, or delayed adjudication by the government can rely on the litigation team at Klasko Immigration Law Partners to advocate on their behalf.

With an impressive background in immigration litigation, which is exceedingly rare among business immigration law firms, Klasko Law has recognized the growing need to be able to defend and support clients with a broader range of actionable

## TEAM MEMBERS

Linda  
Fuzzington



H. Ronald  
Klasko



Daniel  
Lundy



William  
Stock

options. Klasko's business immigration litigation team can point to many victories both by verdict and settlement. With KILP's business immigration litigation team, foreign nationals or their employers can overcome unfair decisions and practices by immigration agencies.

### IMMIGRATION LITIGATION FOR DELAYS

Unfortunately, long processing delays are commonplace for certain types of immigration petitions, with only a handful of visas allowing premium processing, and even then, at a cost. A mandamus lawsuit may be the best strategy to get action on many delayed immigration petitions. In a successful immigration mandamus case, a judge orders the responsible government agency (often [USCIS](#)) to adjudicate the petition within a certain time frame— often 30 or 60 days. This does not guarantee an approved petition, but rather a decision on the petition.

### IMMIGRATION LITIGATION FOR DENIALS

The business immigration litigation team at KILP has been involved in significant litigation work for decades in all areas of U.S. immigration. We have been successful in challenging denials for EB-5 investors, petitions for employer-sponsored managerial positions (like EB-1Cs or L-1s), employer-sponsored petitions for skilled workers (like H-1Bs or similar visas), and other immigration issues before the U.S. District Courts, the U.S. Courts of Appeals, and the U.S. Supreme Court.

In the last two decades, the KILP litigation lawyers have been very successful on behalf of EB-5 investors, regional centers, and projects that face unreasonable USCIS actions or delays, or regional center terminations. Most recently, the firm has been deeply involved in litigating USCIS denials of EB-5 petitions based on the source of funds, material change and redemption agreements and the reopening of the EB-5 regional center program.

### IMPACT BUSINESS IMMIGRATION LITIGATION

Klasko Immigration Law Partners has some of the country's leading business immigration litigation lawyers in initiating impact litigation on key immigration

issues and policies and educating other immigration attorneys on how to litigate visa denials where they believe the law was misinterpreted.

KILP's litigation team has been counsel on many litigations with national impact:

- Setting a key precedent for E-2 visas in the *Matters of Walsh and Pollard*
- Overturning unfair policy changes affecting U.S. universities' international student and exchange programs in *Guilford College v. Wolf*
- Reopening the EB-5 Investor Visa Regional Center Program in *EB5 Capital, et al. v. Department of Homeland Security, et al.* [No. 3:22-cv-3948-VC](#) (N.D. Cal.)

## OTHER EMPLOYMENT-BASED IMMIGRATION SERVICES

KILP attorneys also provide other related employment-based immigration business services including global immigration, worksite compliance, and litigation. The firm has specialized teams for these services.

- **Corporate Immigration** works with key stakeholders from multinational corporations, universities, research institutions, hospitals, and midsize to small companies in managing and developing their business immigration programs.
- **EB-1 Immigration** has a dedicated team including attorneys and technical writers who are highly successful at assisting professionals pursuing extraordinary career achievements.
- **Worksite Compliance** provides compliance services for any-sized employers like training and conducting I-9 self-audit, as well as responding to federal agency audits, investigations, and enforcement-related litigation.

We do not believe in a one-size-fits-all approach, and usually offer multiple solutions to complex problems presented by clients. We are particularly respected for our cutting-edge solutions to difficult business immigration problems. Our client feedback consistently ranks our extreme **responsiveness** as a highly valued feature of our service model.

## REPRESENTATIVE MATTERS

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