



# Harter Secret & Emery LLP

ATTORNEYS AND COUNSELORS

## FOR IMMEDIATE RELEASE

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## **HARTER SECRET & EMERY ATTORNEYS SUCCESSFULLY ARGUE TO OVERTURN FEDERAL GOVERNMENT’S DENIAL OF IMMIGRATION PETITION**

**Rochester, New York, January 26, 2017** – Attorneys from Harter Secret & Emery LLP recently secured an important favorable court decision on behalf of one of the firm’s [Immigration](#) clients, reversing a decision by the United States Citizenship and Immigration Service (USCIS) to dismiss a petition filed by the client sponsoring his brother for permanent residency.

In 2004, the client filed a petition with USCIS to have his brother receive a visa to reside permanently in the United States. After the client moved to Rochester, USCIS continued to send notices to his former address, which were all returned as undeliverable. USCIS then dismissed the client’s petition for failure to respond to the notices, a decision that would have required the client’s brother to move out of the country and to restart his petition process, which is now in its 13<sup>th</sup> year. After years of unsuccessful attempts to convince USCIS to reconsider its decision, the client and attorneys from Harter Secret & Emery initiated litigation in 2015.

The legal team from Harter Secret & Emery, which included Jeffrey A. Wadsworth from its [Litigation](#) practice group, and Frank A. Novak and Glenn R. Schieck from its [Immigration](#) practice group, successfully argued before the United States District Court for the Western District of New York that USCIS had denied their client due process. In a January 18, 2017 decision, the Court ruled that, because USCIS knew that the client had moved and therefore did not receive the mailed notices, USCIS was required to do something more to locate the client before denying the petition. The Court’s decision preserves the petition’s place in the review process, rather than forcing the process to begin anew.

“In short, this decision means that our client’s petition, after nearly 13 years, can remain on track for review,” Wadsworth said. “In the bigger picture, it confirms that the federal government has to ensure that the Constitutional rights of petitioners are preserved and protected. This is certainly an important outcome for our client and for the petitioning process as a whole.”

With more than 10 professionals, Harter Secret & Emery’s Immigration practice group provides clients of every size with comprehensive business solutions and services around temporary and permanent immigration needs. For more than 30 years, the firm’s legal professionals have been instrumental in setting up active, successful immigration programs for clients. During the past three

years, Harter Secrest & Emery has submitted an annual average of 1,500 filings to the various government agencies involved in its Immigration work.

### **About Harter Secrest & Emery LLP**

Harter Secrest & Emery LLP is a full-service business law firm providing legal services to clients ranging from individuals and family-owned businesses to Fortune 100 companies and major regional institutions. With offices in Buffalo, Rochester, Albany, Corning, and New York City, New York, the firm is a recognized leader in litigation, corporate, employee benefits, environmental and land use, healthcare, higher education, immigration, intellectual property, labor and employment, real estate, and trusts and estate law. Harter Secrest & Emery has 33 *U.S. News - Best Lawyers* 2017 “Best Law Firms” top tier practice group rankings - more Western New York rankings than any other law firm. The firm has been top ranked in *Chambers USA* for Corporate/M&A, Litigation and Immigration law and 43 attorneys are recognized as *The Best Lawyers in America* in 2017. For more information visit [www.hselaw.com](http://www.hselaw.com).

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