



News

Hinshaw Immigration Client Successfully Appeals Unjustified Visa Denial by the U.S. Department of State

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In a recent immigration matter, Hinshaw partner Ian Wagreich successfully advocated for a client in a dispute with the U.S. Department of State (DOS). Despite adhering to application procedures for an E-2 company registration, including a substantial investment of over \$1 million in U.S. operations, Wagreich's client faced an unexpected visa denial under section "214(b)" without clear justification or adherence to required legal protocols by the U.S. Embassy in Toronto.

Wagreich took a multifaceted and persistent approach to resolving the matter in his client's favor. After the Embassy's initial denial, he engaged directly with Embassy personnel and used the DOS' "LegalNet" email service to address the lack of transparency and procedural adherence in his client's case. Despite initial non-responses, his readiness to prosecute, based on prior successful litigation against the DOS, eventually led to a visa re-evaluation by the DOS.

Due to Wagreich's successful approach, the Embassy granted a new interview and subsequently approved his client's visa application.

The case underscores the importance of vigorous follow-up, the effective use of available governmental channels for dispute resolution, and the willingness to pursue litigation when necessary. It also highlights the evolving landscape of consular non-reviewability and the potential for legal challenges in cases of clear procedural or legal errors by consular officials.

Attorneys

Ian D. Wagreich

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