WINSTON & STRAWN LLP

PRO BONO IN ACTION

Winston Wins Reversal of Life-Threatening Deportation Order for Pro Bono Client

DECEMBER 13, 2017

A Winston & Strawn team won reversal of a U.S. Immigration Court deportation order and cleared the way for the release of our pro bono client after 30 months in detention.

In November 2015, our client had been ordered to be deported to Guatemala, his country of birth, following his conviction for multiple theft-related offenses, despite his status as a permanent U.S. resident who came to this country legally as a teenager in 1981. In entering this order, the Immigration Court found that our client was not entitled to relief from deportation because he had failed to establish that, as a gay man with HIV, he would likely be subject to government-sanctioned and tolerated persecution in Guatemala. Winston began representing our client on his appeal to the Seventh Circuit, working in coordination with the National Immigrant Justice Center.

While our client's appeal was pending, the Seventh Circuit issued an order remanding the case for reconsideration in light of its decision in *Velasquez-Banegas v. Lynch*, an appeal argued and won earlier this year by a Winston associate. At the Immigration Court hearing held on December 13, 2017, Winston presented evidence from two new experts who opined that government-sanctioned and tolerated persecution of the LGBTI community, including arbitrary arrest, rape, extortion, beatings, torture, and murder, is pervasive in Guatemala and that our client faced a substantial risk of being subjected to such persecution if deported there. Based on this new evidence, the Immigration Court reversed its prior order and granted our client's application for relief from deportation.

The Winston team was led by a Chicago Partner along with New York Partner Luke Connelly—and Chicago Associate DaWanna McCray.

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