

Winston Pro Bono Team Wins Board of Immigration Appeal and Secures Asylum for Senegalese Client

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A Chicago-based Winston & Strawn pro bono team obtained a rare victory before the Board of Immigration Appeals by securing asylum for a Senegalese man who was the victim of repeated sexualized physical attacks and death threats on account of his sexual orientation.

For his entire life, our client hid his sexual orientation in light of Senegal's criminalization of same-sex sexual conduct and widespread violence, harassment, and discrimination against gay men in Senegal. His sexual orientation, however, was discovered when a friend saw a photo on his phone showing him kissing another man. Word of his sexual orientation quickly spread and he endured several sexualized physical attacks and death threats, lost his business, and was ostracized from his family and community over a one-month time frame. He escaped to the United States and timely applied for asylum.

While the Immigration Judge found our client credible, he denied our client's request for asylum, reasoning that the abuse our client suffered did not rise to the required level of persecution and that he failed to report his abuse to Senegalese governmental authorities.

Despite significant challenges in the record and the case law, the Winston team was able to convince the Board on appeal that our client was sufficiently persecuted and further was not required to report his abuse to Senegalese governmental authorities in light of the widespread hostility to gay men in Senegal. The Board sustained our client's appeal, concluding that the Immigration Judge erred in analyzing the evidence before him. Rather than sending the case back to the Immigration Judge for further fact finding or analysis, the Board, in a rare move, concluded that our client was eligible for asylum and remanded the case back to the Immigration Judge solely to allow the Department of Homeland Security to complete or update our client's security screening.

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