

PRESS RELEASE

Wiley Rein Wins Pro Bono Immigration Case, Preventing Unlawful Deportation of Client

December 13, 2018

Press Contact

Patricia O'Connell
T: 202.719.4532
poconnell@wiley.law

Related Professionals

Nick Peterson
Of Counsel
202.719.7466
npeterson@wiley.law

Washington, DC—Wiley Rein LLP won a resounding victory for a client in a pro bono immigration case, persuading the U.S. Court of Appeals for the Fourth Circuit to allow the individual to remain in the United States. The team was led by associate Madeline J. Cohen and of counsel P. Nicholas Peterson.

In a unanimous December 6 ruling, a three-judge panel of the Fourth Circuit vacated an order to deport the client, which had been issued by the Immigration Court and affirmed by the Board of Immigration Appeals, and ordered the agency to terminate removal proceedings. The Wiley Rein team has been working since 2016 – in partnership with the Capital Area Immigrants' Rights (CAIR) Coalition – to prevent the unlawful deportation of the firm's client, a detained adult green-card holder who immigrated to the United States from Peru and has a U.S. citizen child.

After making its way through the immigration court system, this case went to appeal at the Fourth Circuit, where Ms. Cohen successfully argued the case on September 25 before Judges Paul V. Niemeyer, Albert Diaz, and Henry F. Floyd. Earlier in the case, Ms. Cohen had drafted an emergency motion to stay removal pending appeal when it was learned that the client was in the process of being deported to Peru. That motion was successful, with the Fourth Circuit granting relief within hours.

Wiley Rein's efforts also included drafting the petition for review, an opening brief on appeal, a reply brief on appeal, 28(j) letters to the court, and a memorandum on civil confinement for the client's separate habeas corpus appeal. The Fourth Circuit agreed with the arguments by Ms. Cohen and Mr. Peterson that DHS had failed to meet its burden of proving, by "clear and convincing evidence," every element of the client's removability from the United States.

Wiley Rein has a long-standing relationship with CAIR Coalition, which serves as a primary source of legal assistance for detained immigrants in the Washington, DC area. The CAIR Coalition honored Wiley Rein with a prestigious 2018 "Justice for All" Award, recognizing the firm in the "Detained Adult Champion" category.

The work on the case was recognized during Wiley Rein's sixth annual Pro Bono Program Celebration in October and also was featured in a December 7 *Law360* story.