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Kirkland attorneys give Chad citizen new life

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A group of attorneys from Kirkland & Ellis LLP's Chicago office helped obtain asylum and release of a Chad citizen who had been tortured by his country's secret police.

The lawyers have represented the man, identified only as O., since May, two months after he arrived at O'Hare International Airport. An immigration judge on July 22 found that O. qualified for asylum protections, and the U.S. government has waived its rights to appeal in this case.

O.'s attorneys said their client is hoping to work in finance in Chicago and continue to advocate online for political change in Chad. If O. decides to, he could eventually apply to become a permanent resident and acquire U.S. citizenship, said Hari Santhanam, a partner in Kirkland's Chicago office and one of O.'s attorneys.

Kirkland associate Bruce H. Ratain, who argued O.'s case, said U.S. Immigration Judge Samuel B. Cole approved their request for asylum after hearing O.'s testimony and asking a handful of questions. The expert witness who drafted a report on the conditions in Chad and was on hand to testify was not called upon.

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O. (in the Chicago Bulls sweatshirt) was granted asylum by an immigration judge in Chicago on July 22 after attorneys from Kirkland & Ellis LLP – from left to right, summer associates Evelyn Cai and Heather Bartels, associate Bruce H. Ratain, and partner Hari Santhanam – found evidence he had been tortured and potentially marked for death in his home country of Chad. Kirkland & Ellis photo

gence and the powerful story our client had, the hard work and preparation we did with him prior to the hearing, and the strength of the record we had developed," Ratain said. "We didn't have to present the full case we had developed."

The Fund for Peace, a U.S.-based nongovernmental organization, ranks each country's susceptibility to collapse. Chad has consistently been ranked at the bottom of the fund's Fragile States Index; in 2019, it was placed in the high alert

status along with Afghanistan, Sudan and the Central African Republic. It also has one of the most corrupt public sectors in the world, according to Transparency International.

O. was raised in Chad. He received a bachelor's degree in finance from a university in Ghana. When O. returned to his country, he was motivated to change his country's economic policy, Ratain said.

O. began working at the U.S. Embassy in N'Djamena, the capital and largest city of Chad, in the summer of

2016. While he was there, he was on a Fulbright scholarship, which he used to obtain a master's degree in finance from the Illinois Institute of Technology. The friends and contacts he made in Chicago, as well as his familiarity with the city, is what led O. here when he sought U.S. asylum, Santhanam said.

As he earned his master's, O. became involved with the Transformers political party, a Chadian opposition party founded by Succès Masra, a former economist at the

African Development Bank, in April 2018.

O. became a member of the party and agreed to recruit 100 members when he returned to Chad later that year.

Chad has been ruled by President Idriss Déby and his political party, the Patriotic Salvation Movement, since 1990. When O. returned to Chad, he hosted seminars that taught basic computer literacy to adults while also advocating for the Transformers Party, Ratain said.

tortured our client, demanding that he stop criticizing the president.”

Ratain said O.’s family pleaded with him to stop advocating for his political party. But he refused, saying he would be an accomplice if he did nothing while the government was doing something wrong.

O. continued his political work in Chad until his third detention in mid-January of this year. The ANS had released O. in the evening and told him to report back

Party in Chad. O.’s family also took pictures of his medical records and had them emailed to the Kirkland attorneys.

Ratain and Santhanam, both of whom specialize in intellectual property law, handled O.’s case pro bono. They indicated that immigration and asylum cases like O.’s resonate strongly with them and other attorneys at Kirkland.

In March, a team of Kirkland attorneys represented a Guatemalan immigrant who

Law Clinic.

Ratain said his mother’s cousin worked with a U.S. attorney to prepare documentation and sponsor 10 relatives who, after surviving the Holocaust, immigrated to the United States shortly after World War II.

They were also assisted by Jesse Johnson and Hena Mansori of the National Immigrant Justice Center.

“NIJC appreciates Bruce and Hari’s hard work on O.’s case, particularly in navigating the challenges that come

“The way the hearing went was, I think, a powerful testament to the intelligence and the powerful story our client had, the hard work and preparation we did with him prior to the hearing, and the strength of the record we had developed.

His political activities led to his being targeted by Chad’s National Security Agency, or ANS — the country’s secret police, Ratain said.

“Part of what made this a strong asylum case was there was no question the government was the perpetrator of our client’s harm,” Ratain said. “He was pulled over by government agents who showed him their badges, took him to a government detention facility with uniformed police officers and, for days at a time, on three separate occasions, beat and

to the facility commander in the morning. But as O. was being walked out, a guard told him not to come back and instead leave his home and flee “because now you are being targeted,” Ratain said. It was that point O. decided to flee the country.

As part of their preparation for O.’s asylum hearing, his attorneys worked to receive witness statements from O.’s family, a neighbor who found O. unconscious near his house after one of his detentions and another member of the Transformers

was granted protection under an international anti-torture treaty by an immigration judge in Texas.

“Most people, not only at this firm, but in general in American society have some immigrant connection,” Santhanam said. “That’s probably a contributor to why there’s interest in this work.”

For his part, Santhanam is a first-generation immigrant whose family hails from southern India; he has also completed a fellowship at DePaul University College of Law’s Asylum & Immigration

with representing a client in ICE custody at a county jail designed for criminal inmates,” Mansori said in a statement.

“The facts of O.’s case show that O. should never have had to fight his case in detention in the first place and NIJC is happy to see O. out of detention and able to restart his life in the U.S., thanks to Kirkland’s pro bono work on his case.”

Kirkland summer associates Evelyn Cai, Heather Bartels and Jon Fish also worked on the case.