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Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1855 Gateway Boulevard, Suite 850,
Concord, CA 94520

In the Matter of	)	
Jose Carlos Pereira dos Santos	)	**File No. A 240-169-089**
Jaqueline das Neves Dantas Maia	)	**File No. A 240-169-090**
Jose Carlos Pereira dos Santos Junior	)	**File No. A 240-169-091**
In Removal Proceedings	)	

Immigration Judge: **Espana, Patrick A.** Next Hearing: **October 27, 2026 at 1:00 PM**

RESPONDENT'S MOTION TO ACCEPT PROOF OF PAYMENT OF THE INITIAL ASYLUM APPLICATION FEE

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RESPONDENT'S MOTION TO ACCEPT PROOF OF PAYMENT OF THE INITIAL ASYLUM APPLICATION FEE

Respondent Jose Carlos Pereira dos Santos Junior, by and through counsel, respectfully moves this Court to accept the attached proof of payment as satisfying the initial asylum application fee required under 8 U.S.C. § 1802 and 8 C.F.R. § 106.2(c)(14), and in support thereof states as follows:

Respondent Jose Carlos Pereira dos Santos Junior (A 240-169-091) is filing an initial application for asylum, withholding of removal, and protection under the Convention Against Torture in these proceedings[1], and is accordingly subject to the $100.00 initial asylum application fee required by 8 U.S.C. § 1802 and codified at 8 C.F.R. § 106.2(c)(14), rather than the $102.00 annual asylum fee required by 8 U.S.C. § 1808 and codified at 8 C.F.R. § 106.2(c)(15), which applies only to applications for asylum that have remained pending for one year or more. See also 8 C.F.R. § 1103.7(b)(4)(ii)-(iii) (providing that fees for Form I-589, a form published by the Department of Homeland Security, are governed by 8 C.F.R. part 106, and

[1] Respondent was timely included as a derivative beneficiary in the asylum application filed by his father, Jose Carlos Pereira dos Santos (A 240-169-089), on April 14, 2023, less than one year after their arrival in the United States on December 22, 2022. As a derivative child, Respondent pursued protection through his father's timely filed principal application and did not submit a separate principal application at that time. The circumstances requiring Respondent to present his own individual claim arose in connection with the proceedings currently pending before this Court. As stated in Respondent's Form I-589, the dangers underlying his family's request for protection remain ongoing, and the threats against his family in Brazil have not diminished.

that the annual asylum fee applies only while an application remains pending administrative review).

When payment was submitted through the EOIR Payment Portal on August 19, 2026, the filing type designated "Court - Form I-589, Annual Asylum Fee for Asylum and for Withholding of Removal (AAF)" was selected in error, rather than the filing type corresponding to the initial fee, notwithstanding that Respondent was filing a Form I-589 for the first time and owed no annual fee. As a result, Respondent's payment was processed under Payment Tracking ID 2857EUKS, in the amount of $102.00. *See* Exhibit 1(Payment Receipt for Form I-589).

The error was one of designation and not of substance, and it has deprived the government of no fee to which it is entitled. The payment of $102.00 exceeds the $100.00 initial fee that 8 U.S.C. § 1802 and 8 C.F.R. § 106.2(c)(14) required for a first-time asylum filing, and the payment was processed and confirmed by the EOIR Payment Portal before the corresponding Form I-589 was lodged with the Court, consistent with the proof-of-payment requirement of 8 C.F.R. § 1103.7(a)(3).

Respondent respectfully requests that the Court accept the payment receipt attached as Exhibit 1 as satisfying the initial asylum application fee requirement for Respondent, and that the Court deem Respondent's Form I-589 properly filed notwithstanding the clerical mislabeling of the payment type selected in the portal.

Should the Court require a corrected designation or a supplemental transaction under the initial fee filing type, Respondent further requests leave to cure the designation within a period set by the Court, so that Respondent is not penalized for an inadvertent selection made within the payment system.

WHEREFORE, Respondent Jose Carlos Pereira dos Santos Junior respectfully requests that this Court accept the payment receipt attached as Exhibit A as satisfying the initial asylum application fee required under 8 U.S.C. § 1802 and 8 C.F.R. § 106.2(c)(14), deem Respondent's Form I-589 properly filed, and grant such further relief as the Court deems just and proper.

Respectfully submitted,



Otavio Haverroth Silva, Bar N. 343486
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
(510) 241-9336

Exhibit list

Exhibits:	Pages:
Exhibit 1	
Jose Carlos Pereira Dos Santos Júnior's Payment Receipt for Form I-589 - Initial Application for Asylum	1

Exhibit 1

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

Payment Receipt

A payment has been processed for the following case before the Executive Office for Immigration Review.

For cases before the Immigration Court, please contact the Court that is currently hearing your case for questions regarding payment. For cases before the Board of Immigration Appeals (BIA), please contact the BIA Clerk's Office for questions regarding payment at (703) 605-1007.

A copy of this receipt must be included with the application, motion, or appeal that is filed with the Immigration Court or the BIA Clerk's Office. Failure to include a receipt showing proof of payment will result in rejection of the filing.

A-Number: 240-169-091

Payment Tracking ID: 2857EUKS

Payment Processed On: 8/19/2026 2:09:26 PM EST

Payment Type: PLASTIC_CARD

Payment Amount: $102.00

Filing Type: Court - Form I-589, Annual Asylum Fee for Asylum and for Withholding of Removal (AAF)

Save or print this receipt immediately. A copy will not be sent via email. The tracking ID is required to retrieve a duplicate receipt.

*Please note there is an **annual fee** for all asylum applications, which is due on the anniversary of each calendar year that an alien's asylum application remains pending; no fee-waiver or reduction in fee is permitted. **This fee must be paid timely**; failure to pay within 30 days of the anniversary due date will likely result in pretermission of the asylum application and an order of removal. This will be the only notice that the alien will receive regarding this annual payment requirement. Payment of this fee can be made at https://epay.eoir.justice.gov/index.

Current annual fee amounts can be found at www.justice.gov/eoir/types-appeals-motions-and-required-fees.

Jose Carlos Pereira dos Santos — **File No. A 240-169-089**
Jaqueline das Neves Dantas Maia — **File No. A 240-169-090**
Jose Carlos Pereira dos Santos Junior — **File No. A 240-169-091**

PROOF OF SERVICE

On this day, I, Otavio Haverroth Silva, served a copy of the following documents:

RESPONDENT'S MOTION TO ACCEPT PROOF OF PAYMENT OF THE INITIAL ASYLUM APPLICATION FEE

To the following:

Office Location:	**Mailing Address:**
Office ofthe ChiefCounsel Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel P.O. Box 26449 San Francisco, CA 94126 -6449

by:

☑ Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.



Otavio Silva (Bar N. 343486)
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P.O. Box 90487
San Diego, CA 92169
Counsel for Respondent