HS Law Corp.
Otavio Haverroth Silva, SBN#343486
P.O. Box 90487
San Diego, CA 92169
(510) 241-9336

Non-Detained

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

In the Matter of	)	
Thiales Marcos da Silva	)	**File No. A. 231-444-445**
In Removal Proceedings	)	

Immigration Judge: Lauren M. Black

Next Hearing Date: N/A

RESPONDENT'S WRITTEN PLEADINGS

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COMES NOW, **Otavio Haverroth Silva**, counsel for the above-referenced Respondent, and respectfully makes the following representation to the Court, pursuant to Chapter 3.14(j) and Appendix I of the Immigration Court Practice Manual (ICPM) and the Court's Initial Scheduling Order dated August 10, 2026:

1. The Respondent admits proper service of the Notice to Appear (Form I-862), issued June 18, 2026.
2. I have explained to the Respondent:
   a) The rights set forth in **8 C.F.R. § 1240.10(a)**;
   b) The consequences of failing to appear in court as set forth in **INA § 240(b)(5)**;
   c) The limitation on discretionary relief for failure to appear as set forth in **INA § 240(b)(7)**;
   d) The consequences of knowingly filing or making a frivolous application as set forth in **INA § 208(d)(6)**;
   e) The requirement to notify the Court within five days of any change of address or telephone number, using **Form EOIR-33/IC**, pursuant to **8 C.F.R. § 1003.15(d)**.
3. The Respondent admits the stipulated allegations 1 through 4 in the Notice to Appear, corresponding to:

a) The Respondent is not a citizen or national of the United States;
b) The Respondent is a native of Brazil and a citizen of Brazil;
c) The Respondent was admitted to the United States at the Port of Entry in Orlando, Florida, on or about November 16, 2015, as a nonimmigrant B-2 visitor with authorization to remain in the United States for a temporary period not to exceed May 15, 2016;
d) The Respondent remained in the United States beyond May 15, 2016, without authorization from the Immigration and Naturalization Service or its successor, the Department of Homeland Security.

4. The Respondent concedes the charge of removability pursuant to **Section 237(a)(1)(B) of the Immigration and Nationality Act**, in that, after admission as a nonimmigrant, the Respondent remained in the United States for a time longer than permitted, in violation of the Act.

5. In the event of removal, the Respondent declines to designate a country of removal. The Respondent intends to apply for the following forms of relief from removal:

   a) Adjustment of Status pursuant to INA § 245(a), based on a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, filed as a self-petitioner under the Violence Against Women Act (VAWA), and a concurrently filed Form I-485, Application to Register Permanent Residence or Adjust Status, both filed with the U.S. Citizenship and Immigration Services on August 25, 2023;
   b) Any other relief for which the Respondent may be eligible.

6. If background and security investigations are required, the Respondent will comply with the instructions to be received from DHS. Counsel will explain the biometric instructions to the Respondent. Additionally, counsel will explain that, under 8 C.F.R. § 1003.47(d), failure to provide biometrics or other biographical information within the time allowed will constitute abandonment of the application unless the Respondent demonstrates that such failure was the result of good cause.

7. The Respondent estimates that the individual merits hearing will take approximately **three (3) hours**. Accordingly, counsel respectfully requests that the Court reserve sufficient time for the conduct of the hearing.

8. The Respondent's native language is **Brazilian Portuguese**. The Respondent is not fluent in English. Therefore, the Respondent respectfully requests that the Court provide a Portuguese (Brazil) interpreter for all future hearings.

9. Based on the foregoing, counsel respectfully requests that the Court accept these Written Pleadings.

Respectfully,



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

Exhibit list

Exhibits:	Pages:
Exhibit 1	
Respondent's Pleading Declaration	1-3

Exhibit 1

RESPONDENT'S PLEADING DECLARATION

I, Thiales Marcos da Silva (A-231-444-445), declare under penalty of perjury that I am a native of Brazil and that my native language is Portuguese. I am not fluent in English and I am not able to fully and adequately understand communication in the English language.

I, Thiales Marcos da Silva, have been advised of my rights in these proceedings by my attorney and representative. I understand these rights. I waive any further explanation of these rights by this Court.

I have been advised by my attorney and representative of the consequences of failing to appear at a hearing. I have also been advised by my attorney of the consequences of failing to appear on a scheduled date of departure or deportation. I understand these consequences.

I have been advised by my attorney and representative of the consequences of knowingly filing a frivolous asylum application. I understand these consequences.

I have been advised by my attorney and representative of the consequences of failing to comply with DHS biometric instructions within the time allowed. I understand these consequences.

I understand that, if my mailing address changes, I must notify the Court within 5 days of such change by completing an Alien's Change of Address Form (Form EOIR-33/IC) and filing it with this Court.

Finally, my attorney and representative has explained to me what this Written Declaration says. I understand, agree, and respectfully request that the Court accept my declaration.

/SIGNATURE/

_____

THIALES MARCOS DA SILVA

Date: 08/23/2026

I, André Vinicius Inacio Penna Mello, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Portuguese to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.



_____

ANDRÉ VINICIUS INACIO PENNA MELLO

Date: August 23, 2026.

DECLARAÇÃO DE PLEITOS FINAIS

Eu, Thiales Marcos da Silva (A-231-444-445), declaro, sob pena de perjúrio, que sou nativo do Brasil e o meu idioma nativo é o português. Não sou fluente em inglês e não consigo entender a comunicação no idioma de forma ampla e adequada.

Eu, Thiales Marcos da Silva, fui informado sobre meus direitos neste processo pelo meu advogado e representante. Eu entendo esses direitos. Renuncio a uma explicação adicional desses direitos por este tribunal.

Fui informado pelo meu advogado e representante sobre as consequências de não comparecer a uma audiência. Também fui informado pelo meu advogado sobre as consequências de não comparecer a uma data programada de partida ou deportação. Eu entendo essas consequências.

Fui informado pelo meu advogado e representante sobre as consequências de apresentar conscientemente um pedido de asilo frívolo. Eu entendo essas consequências.

Fui informado pelo meu advogado e representante sobre as consequências de não seguir as instruções biométricas do DHS dentro do prazo permitido. Eu entendo essas consequências.

Entendo que, se meu endereço de correspondência mudar, devo notificar o tribunal dentro de 5 dias após essa mudança, preenchendo um Formulário de Mudança de Endereço de Estrangeiro (Formulário EOIR-33/IC) e apresentando-o a este tribunal.

Finalmente, meu advogado e representante me explicou o que esta Declaração Escrita diz. Eu entendo, concordo e solicito que o tribunal aceite a minha declaração.

Thiales Marcos da Silva

THIALES MARCOS DA SILVA

Data: 23/08/2026

Thiales Marcos da Silva **File No. A. 231-444-445**

Proof of Service

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

RESPONDENT'S WRITTEN PLEADINGS

To the following:

Office Location:	**Mailing Address:**
Office of the Principal Legal Advisor 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 Principal Legal Advisor P.O. Box 26449 San Francisco, CA 94126-644

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 Haverroth Silva (Bar N. 343486)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
Counsel for Respondent