

**Non-Detained**

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

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
915 2nd Avenue, Suite 613  
Seattle, WA 98174**

_____	)	
<b>In the Matter of</b>	)	
	)	
<b>Mirian Raimundo</b>	)	<b>File No. A 221-290-315</b>
<b>Patrick Raimundo Santana</b>	)	<b>File No. A 221-290-316</b>
<b>Pablo Henrique Raimundo Santana</b>	)	<b>File No. A 221-290-343</b>
	)	
<b>In Removal Proceedings</b>	)	
	)	
_____	)	

**Immigration Judge:** Tisocco, Michael      **Next Hearing Date:** July 16, 2027, at 08:30 AM

**RESPONDENTS' MOTION TO RECONSIDER**

**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
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	)	
<b>In Removal Proceedings</b>	)	
	)	
_____	)	

**RESPONDENTS' MOTION TO RECONSIDER**

COMES NOW, Rider Respondent Patrick Raimundo Santana, by and through undersigned counsel, and respectfully moves this Honorable Court to reconsider its June 5, 2026 Order and to grant Patrick's October 14, 2025 Motion to Accept Untimely Filing of Form I-589. In support thereof, counsel states as follows:

**I. PROCEDURAL HISTORY**

On March 20, 2025, Respondents Mirian Raimundo and Rider Respondent Patrick Raimundo Santana appeared for a Master Calendar Hearing before IJ Tisocco. They admitted the factual allegations and conceded removability. The Court set a deadline of April 21, 2025, for Respondents to file a complete Form I-589.

Respondent Mirian Raimundo (A-221-290-315) initially filed her Form I-589 on March 10, 2025. That filing was rejected due to improper proof of service, as reflected in the rejection notice dated March 10, 2025. Following the rejection, and consistent with the principle that a filing rejected solely for a formal defect does not count against the applicant for timeliness purposes, Mirian Raimundo re-submitted her Form I-589 on April 23, 2025. Rider Respondent Patrick Raimundo Santana (A-221-290-316) did not file a Form I-589 by

the prescribed deadline. He was then sixteen years old.

On May 2, 2025, IJ Tisocco issued an Order finding that Patrick Raimundo Santana had waived his opportunity to apply for asylum and related relief and would be considered only as a derivative on his mother's application. As to Mirian Raimundo, the Court found her April 23, 2025 Form I-589 to be incomplete and directed her to correct and re-submit it on or before May 8, 2025.

Mirian Raimundo timely complied, filing a corrected and complete Form I-589 on May 8, 2025, together with her personal declaration and supporting evidence.

Patrick Raimundo Santana turned eighteen years old on August 28, 2025.

On October 14, 2025 — forty-seven days after reaching the age of majority — Rider Respondent Patrick Raimundo Santana, through counsel, filed his own Form I-589, together with a Motion to Accept Untimely Filing of Form I-589. In support of that motion, it was explained, among other things: the lack of legal capacity and autonomy to independently file an asylum application prior to turning eighteen; that his immigration case had necessarily proceeded under his mother's legal responsibility until that date; that he did not previously assert a separate claim because he lacked the requisite independent decision-making authority; that, upon attaining majority and receiving legal guidance, he promptly prepared and filed a complete application; that the delay reflected no deliberate or negligent conduct, but rather the reasonable time required to prepare a precise and complete application; and that acceptance of the filing would cause no prejudice to the Government, while denial would leave him without any independent avenue for protection. The required filing fee was paid on October 16, 2025 (Tracking ID 27SASMJU). Patrick Raimundo Santana's personal declaration, dated September 22, 2025 and already on file, sets out in detail the persecution he suffered on account of his sexual orientation and his family ties. No notice of rejection was ever issued as to Rider Respondent Patrick Raimundo Santana's Form I-589 or his motion.

Separately, on September 23, 2025, Respondents filed a motion — captioned, as the case then stood, under both A-221-290-315 and A-221-290-316 — requesting acceptance of untimely supplemental evidence and a pre-hearing brief in advance of the individual hearing then scheduled for October 21, 2025. The Court granted that motion on October 20, 2025, in an Order likewise captioned under both A-numbers. Given the proximity in time and the

shared captioning, counsel reasonably, if mistakenly, understood the October 20, 2025 Order to have resolved both motions then pending, including Rider Respondent Patrick Raimundo Santana's October 14, 2025 motion. The individual hearing then scheduled for October 21, 2025 was subsequently continued, and the case proceeded administratively over the following months before the parties' respective proceedings were formally consolidated.

On April 22, 2026, the Court issued an Order granting the Department of Homeland Security's motion to consolidate proceedings under Mirian Raimundo as lead Respondent, setting the consolidated merits hearing for July 16, 2027. The Order directed each Respondent to take specific action within thirty days, i.e., on or before May 22, 2026: Lead Respondent Mirian Raimundo was to file a sworn statement confirming that her Forms I-589 (filed April 23, 2025 and May 8, 2025) and her Declaration (dated May 7, 2025) had been reviewed with her in her best language and were true and correct, with any necessary updates attached; Rider Pablo Henrique Raimundo Santana was to file written pleadings compliant with ICPM Appendix L, together with a pleading declaration in his best language (or an attached certificate of interpretation) and a sworn statement confirming that his Form I-589 (filed October 13, 2025) and Declaration (dated September 22, 2025) had been reviewed and were true and correct; and Patrick Raimundo Santana was to file a sworn statement confirming that his Declaration (dated September 22, 2025) had been reviewed and was true and correct, with any updates attached. As to Rider Respondent Patrick Raimundo Santana, the Order noted that "his I-589 was previously deemed abandoned per the Court's 05/02/2025 Order," without reference to the October 14, 2025 filing.

Within that thirty-day period, Mirian Raimundo timely filed both the sworn statement required by the Order and an amendment to her Form I-589 adding Pablo Henrique Raimundo Santana as a derivative, and Pablo Henrique Raimundo Santana timely filed his written pleadings, pleading declaration, and sworn statement. On Rider Respondent Patrick Raimundo Santana's behalf, and within the same window, counsel filed a Motion to Clarify rather than the sworn statement otherwise contemplated for him, because the very procedural status of the application underlying that statement remained unresolved. The Motion to Clarify asked the Court to issue a direct ruling on the October 14, 2025 Motion to Accept Untimely Filing and to confirm that Patrick's Form I-589 remained active in the record.

By Order dated June 5, 2026, the Court addressed the Motion to Clarify and, for the first time, ruled on Patrick's October 14, 2025 motion. The Court's Order states: "The Court

invertedly overlooked this motion but will address it now.” The Court then denied the October 14, 2025 motion, reasoning that counsel had represented both Respondents since March 14, 2025; that all parties had been advised of the filing deadline; and that it was “possible” that the decision not to timely file for Patrick “was a strategic or tactical decision.” *See* Exhibit 1.

No final administrative order of removal has been entered in this matter. The consolidated merits hearing remains scheduled for July 16, 2027.

## **II. THIS MOTION IS TIMELY**

This motion is filed within thirty days of the Court’s June 5, 2026 Order. *See* 8 C.F.R. § 1003.23(b)(1); Immigration Court Practice Manual, Ch. 4.8(c), and is therefore timely. This is the first and only motion to reconsider filed by Rider Respondent Patrick Raimundo Santana in this matter. *See* Immigration Court Practice Manual, Ch. 4.8(d); 8 C.F.R. § 1003.23(b)(1).

## **III. NO FILING FEE IS REQUIRED FOR THIS MOTION**

No filing fee is required for this motion. Title 8 C.F.R. § 1003.24(b)(2)(i) provides that a filing fee is not required for “[a] motion filed while proceedings are already pending before the Immigration Court.” No final order has been entered in this matter, and the consolidated merits hearing remains pending. Out of an abundance of caution, and to preserve the cure provisions of 8 C.F.R. § 1003.24(d) should the Court reach a different conclusion, Patrick Raimundo Santana is concurrently submitting a Fee Waiver Request (Form EOIR-26A).

## **IV. THE COURT’S JUNE 5, 2026 ORDER CONTAINS IDENTIFIABLE ERRORS OF PROCESS, FACT, AND LAW THAT WARRANT RECONSIDERATION**

A motion to reconsider must state with particularity the errors of fact or law in the Immigration Judge’s prior decision, with appropriate citation to authority and the record. *See* Immigration Court Practice Manual, Ch. 4.8(f). This requirement ensures that a motion to reconsider does not merely repeat arguments already made, but instead specifies a defect in the decision under review. *See Matter of O-S-G-*, 24 I&N Dec. 56, 57–58 (BIA 2006) (a motion to reconsider must allege a material factual or legal error in the prior decision, supported by pertinent authority, rather than simply restate prior arguments). *Matter of O-S-G-* addresses this requirement as applied to motions filed with the Board under 8 C.F.R. § 1003.2(b); the Immigration Court Practice Manual imposes the identical requirement on

motions before the Immigration Judge. Ch. 4.8(f). The Respondent identifies the following errors below. This motion is based on the existing record and does not seek to introduce new facts or evidence. Ch. 4.8(a).

**A. Error of Process: The Court's Eight-Month Failure to Rule on Patrick's Motion Deprived Him of His Own Independent Application for Asylum and Related Relief**

The Court's June 5, 2026 Order states plainly: "The Court invertedly overlooked this motion but will address it now." *See* Exhibit 1. That is the Court's own acknowledgment that, for nearly eight months, Respondent Patrick Raimundo Santana's October 14, 2025 motion received no substantive attention — not because the motion was deficient, not because Patrick Ramundo Santana failed to act, but because of an oversight in the handling of the case.

During that period, Patrick Raimundo Santana and counsel had every reason to believe his application was already pending and being treated as part of the case: his Form I-589 had been accepted into the record without a rejection notice, his filing fee had been paid and processed, and his declaration remained on file. Critically, the only Order to issue in the weeks following his motion was the October 20, 2025 Order. That Order was captioned under both A-221-290-315 and A-221-290-316 — the same two A-numbers under which the September 23, 2025 motion had been filed and granted. Because the two filings shared an identical caption, counsel reasonably, though mistakenly, understood the October 20, 2025 Order to have resolved both pending motions together. Nothing in the record gave Patrick Raimundo Santana or his counsel reason to suspect that a separate, unresolved motion remained outstanding until the April 22, 2026 consolidation Order brought the issue to light.

An alien in removal proceedings "is entitled to a full and fair hearing of his claims and a reasonable opportunity to present evidence on his behalf." *See Colmenar v. INS*, 210 F.3d 967, 971 (9th Cir. 2000). A motion supported by good cause that is overlooked by the Court for eight months — while the party who filed it reasonably believes the matter already resolved — deprives that party of a meaningful opportunity to be heard on the merits of his own application. This guarantee derives from section 240(b)(4)(B) of the Act, 8 U.S.C. § 1229a(b)(4)(B), which entitles a respondent in removal proceedings to a reasonable opportunity to present evidence on his own behalf. That statutory right is rendered meaningless if a respondent's own application — together with the personal declaration and

evidence submitted in support of it — can sit unaddressed, through no fault of his own, for eight months while he reasonably understands the matter to be resolved. The Court's failure to rule on Patrick's October 14, 2025 motion was not a mere scheduling delay; for nearly eight months, it left him without any operative determination as to whether the evidence he had submitted on his own behalf would be considered at all. That is precisely the harm section 1229a(b)(4)(B) and its implementing case law are designed to prevent, and it is the error of process this motion asks the Court to correct.

**B. Error of Law: The Court Failed to Apply the Settled Principle That a Respondent's Minority Constitutes Good Cause for an Untimely Filing**

The Court's Order from June 5, 2026, denies Patrick Raimundo Santana's motion without addressing, or applying any legal standard to, the central premise of that motion: that Rider Respondent Patrick Raimundo Santana's failure to meet the April 21, 2025 deadline was the direct result of his minority, not of any choice he or his counsel made. Patrick was sixteen years old when the original deadline passed; as a matter of law, he lacked the capacity to retain counsel, to direct litigation strategy, or to file his own asylum application independent of his mother. The Court's Order does not distinguish between a minor's legal incapacity to act and an adult's considered choice not to act — a distinction that is dispositive of whether good cause for the delay has been shown.

The regulations governing the analogous one-year asylum filing deadline reflect the agency's own considered judgment that minority is, of itself, sufficient legal disability to excuse an untimely filing: 8 C.F.R. § 1208.4(a)(5)(ii) lists "the applicant was an unaccompanied minor" as an example of a "legal disability" excusing delay. While that provision does not directly govern a court-set filing deadline, the Court's Order does not address why the same underlying rationale — that a minor cannot be held to procedural obligations he lacks the legal capacity to meet — should not apply here as well.

The regulations governing the one-year asylum filing deadline reflect a settled judgment that minority is, of itself, a "legal disability" that may excuse an untimely filing. *See* 8 C.F.R. § 1208.4(a)(5)(ii). The Board has applied that principle to find extraordinary circumstances where a respondent's minor status — combined with the practical barriers minority created — prevented him from accessing the asylum process. *See Matter of Y-C-*, 23

I&N Dec. 286, 287–88 (BIA 2002). While *Matter of Y-C-* addresses the statutory one-year deadline and arose on different facts, the same underlying premise — that a minor's status can itself constitute the kind of barrier the law recognizes as excusing delay — applies with equal force here: Patrick Raimundo Santana, no less than the respondent in *Matter of Y-C-*, lacked the practical ability to act on his own behalf for reasons inherent to his minority, not through any choice of his own.

This is reinforced by the Ninth Circuit's recognition that children cannot be measured by adult standards in immigration proceedings. In evaluating an asylum claim, an Immigration Judge must view the events at issue from the petitioner's perspective, because a child's experience of, and response to, threatening or traumatic circumstances differs meaningfully from an adult's. See *Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042, 1045–46 (9th Cir. 2007). That same developmental reality bears on the question of delay: a sixteen-year-old's limited capacity to fully grasp and act upon a court-imposed filing deadline — particularly one tied to a claim rooted in trauma he had not yet processed — is qualitatively different from an adult's. The Immigration Judge erred as a matter of law by treating Patrick Raimundo Santana as an autonomous litigant capable of formulating a "strategic" delay, effectively imputing adult procedural maneuvers and adult understanding to a legally and developmentally incapacitated minor.

The Board of Immigration Appeals has likewise recognized that, even where an Immigration Judge has enforced a firm filing deadline, “had the respondent filed either type of motion [to reopen or reconsider] and provided good cause for missing the deadline, reconsideration or reopening by the Immigration Judge would likely have been appropriate.” See *Matter of R-C-R-*, 28 I&N Dec. 74, 78 (BIA 2020). Patrick Raimundo Santana did exactly that: his declaration, dated September 22, 2025, together with his complete Form I-589, Motion to Accept Untimely Filing, and paid filing fee, were all completed within seven weeks of August 28, 2025, the first date on which he possessed the legal capacity to act on his own behalf. The Court’s Order does not engage with this authority, nor with the good cause Patrick’s motion presented.

Nor does the fact that counsel "entered his appearance as attorney for both lead and co-Respondent on 14 March 2025, and . . . represented both throughout this period," or that all parties were present and "advised of the filing deadline," resolve the distinct question this motion raises. The presence of counsel speaks to whether the family was informed of the

deadline; it does not speak to whether Patrick Raimundo Santana, at sixteen years old, possessed the independent legal capacity to retain counsel or file his own application. Respectfully, the Order does not address that distinction, and the record does not support treating Patrick Raimundo Santana's minority as legally equivalent to an adult respondent's failure to comply with a deadline. It was Mirian Raimundo, as head of the household and Patrick Raimundo Santana's legal guardian, who retained counsel to pursue asylum relief on the family's behalf; who made the operative decisions concerning Patrick Raimundo Santana's case while he remained a minor; and who maintained the family's primary line of communication with counsel throughout this period. That arrangement reflects ordinary parental responsibility, not a tactical choice attributable to Patrick Raimundo Santana himself.

Finally, the decision to infer a 'strategic or tactical decision'—without a prior competency inquiry or individual assessment—diverges from the agency's own directives. The EOIR Policy Manual mandates the application of child-sensitive procedures in cases involving minors, recognizing their unique vulnerabilities, reliance on adults, and developmental limitations. *See* Immigration Court Practice Manual, Ch. 3.21 (Juveniles); EOIR Director's Memorandum 24-01, Children's Cases in Immigration Court (Dec. 21, 2023) (directing that children's unique vulnerabilities, dependency on adults, and developmental limitations be taken into account throughout their immigration court proceedings). Imputing an adult's legal strategy to a minor, without an explicit factual basis in the record, inadvertently overlooked these protections and compromised the Respondent's independent, non-derivative pursuit of asylum, withholding of removal, and CAT protection. Respectfully, departing from these established child-sensitive adjudication guidelines and denying an independent path to protection without robust, individualized findings constitutes an abuse of discretion and implicates fundamental fairness.

### **C. Error of Fact: The Court's Finding That the Delay "May Have Been" Strategic Is Contradicted by the Undisputed Record**

The Court's Order states that it is "possible" that the decision not to timely file for Patrick Raimundo Santana "was a strategic or tactical decision" by counsel and Respondents. This finding is contradicted by the undisputed dates already in the record. Patrick Raimundo Santana's own October 14, 2025 motion establishes that he was born August 28, 2007, and turned eighteen on August 28, 2025; that his Form I-589, supporting declaration (dated September 22, 2025), and Motion to Accept Untimely Filing were filed October 14, 2025,

forty-seven days later; and that the associated filing fee was paid October 16, 2025 (Tracking ID 27SASMJU). Nothing in this timeline supports an inference of tactical delay: a litigant who strategically withholds a filing does not, within seven weeks of the legal obstacle to filing disappearing, prepare a detailed personal declaration, complete a full Form I-589, and pay the associated filing fee. The Court's finding rests on no evidentiary basis in the record and is contradicted by the record's own undisputed dates. Nor does the premise of a deliberate strategy withstand scrutiny on its own terms: no conceivable benefit would have accrued to Patrick Raimundo Santana, to Mirian Raimundo, or to counsel from withholding his application. The only consequence of such a course would have been to leave Patrick Raimundo Santana without his own independent application for relief — precisely the outcome the Court's Order now imposes. A strategy with no upside and a severe downside is not a strategy at all.

Furthermore, the Rider Respondent's filing of his independent Form I-589 just forty-seven days after reaching the age of majority constitutes a prompt and reasonable filing once his legal disability was lifted. The Board has recognized that a minor's asylum filing made within a reasonable period after the circumstances preventing him from filing have ended satisfies the diligence the law requires. Cf. *Matter of Y-C-*, 23 I&N Dec. at 287–88 (finding a minor's asylum filing five and a half months after release from custody to be reasonable and prompt). Patrick Raimundo Santana's window was shorter still: preparing a comprehensive asylum application, drafting a deeply personal and detailed declaration regarding persecution based on his sexual orientation, and submitting the required filing fee within forty-seven days of turning eighteen exemplifies diligence, not tactical delay. This prompt action upon attaining legal capacity satisfies the "good cause" requirement to accept the untimely filing.

Nor does the fact that counsel represented both Mirian Raimundo and Patrick Raimundo Santana from March 2025 onward support an inference of strategy. Patrick Raimundo Santana's inability to file independently before August 28, 2025 was a function of his age, not of any choice made by counsel or by Patrick Raimundo Santana himself. The same counsel who represented Patrick Raimundo Santana as a minor continued to represent him after he reached majority, and promptly assisted him in exercising the independent right he then acquired.

**V. ACCEPTANCE OF PATRICK RAIMUNDO SANTANA'S APPLICATION WILL CAUSE NO PREJUDICE TO THE GOVERNMENT, WHILE DENIAL FORECLOSES HIS ONLY INDEPENDENT AVENUE FOR RELIEF**

Patrick Raimundo Santana's proceedings are now consolidated with his mother's and brother's under a single lead Respondent, sharing a common evidentiary record, and the consolidated merits hearing remains more than a year away, on July 16, 2027. The Department of Homeland Security will suffer no prejudice from the Court's acceptance of an application and motion that have sat in the record, unopposed and unaddressed, since October 2025.

The prejudice to Patrick Raimundo Santana of continued denial, by contrast, is severe. Patrick Raimundo Santana's own claim — based on persecution he suffered on account of his sexual orientation — is independent of his mother's claim, which rests primarily on domestic violence grounds. Withholding of removal under INA § 241(b)(3) and protection under the Convention Against Torture, 8 C.F.R. §§ 1208.16–1208.18, are not derivative forms of relief; each Respondent must independently establish eligibility. If Patrick Raimundo Santana's Form I-589 is not active in the record, he has no independent avenue to either form of protection, and remains entirely exposed in any scenario other than a full grant of asylum to his mother. Granting this motion costs the Government nothing and preserves Patrick Raimundo Santana's only independent path to protection from removal to a country where he faced and fears persecution.

The strength of Patrick Raimundo Santana's independent claim heightens what is at stake in this motion. The events underlying his fear of persecution were experienced while he was a minor, and the Ninth Circuit has held that, in evaluating both past persecution and a well-founded fear of future persecution, an adjudicator must consider the events from the perspective of the age at which the applicant experienced them, since injuries perceived during childhood may carry a heightened and lasting impact not present for an adult experiencing the same events. *See Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042, 1045–46 (9th Cir. 2007) (holding that an Immigration Judge errs by failing to measure the degree of harm to petitioners by its impact on children of their ages, and that injuries to family members perceived during childhood warrant the same consideration). That standard applies directly to Patrick Raimundo Santana's claim: the persecution he describes, including violence connected to his sexual orientation and threats against him and his family, was perceived and

experienced while he was a minor, and his claim is entitled to be evaluated accordingly. Denying him an independent application forecloses the opportunity for that claim — credible on its face and supported by a heightened standard favorable to him — to be adjudicated on its own merits at all.

**WHEREFORE**, Rider Respondent Patrick Raimundo Santana respectfully requests that this Honorable Court:

(a) Reconsider, and vacate, its June 5, 2026 Order denying Patrick's October 14, 2025 Motion to Accept Untimely Filing of Form I-589;

(b) Upon reconsideration, grant that motion and confirm that Patrick's Form I-589, filed October 14, 2025, is active in the record, recognizing him as a principal applicant with independent claims for asylum, withholding of removal, and protection under the Convention Against Torture; and

(c) Grant such other and further relief as the Court deems just and proper.

Respectfully,



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**Otavio Haverroth Silva (Bar N.343486)**

**Attorney at Law**

**P.O. Box 90487, San Diego, CA 92169**

**(510) 241-9336**

*Counsel for Respondents*

# Exhibit list

Exhibits:

Pages:

**Exhibit 1**

Copy of Immigration Judge Order

1-2

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# **Exhibit 1**



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
SEATTLE IMMIGRATION COURT**

Respondent Name:

RAIMUNDO, MIRIAN

To:

Silva, Otavio Haverroth  
5051 La Jolla BLVD  
Suite 202  
San Diego, CA 92109

A-Number:

221-290-315

Riders:

221-290-343 RAIMUNDO-SANTANA, PABLO  
HENRIQUE

221-290-316 RAIMUNDO-SANTANA, PATRICK

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/05/2026

**ORDER OF THE IMMIGRATION JUDGE**

Respondents have filed a MOTION TO CLARIFY with regard to the status of any application for the co-Respondent.

As previously explained in the Court's 2 May 2025 Order, Respondents appeared for a master calendar hearing on 20 March 2025. They admitted the factual allegations and conceded removability as charged in their Notices to Appear (NTAs), and noted the only form of relief sought was the Form I-589, Application for Asylum and for Withholding of Removal (I-589).

The Court set a filing deadline of 21 April 2025 for Respondents to file full and complete applications for asylum and related relief. The Court was clear that any application must fully and completely answer all questions posed in the I-589. Further, the Court was clear that failure to comply would result in finding they have waived and abandoned their opportunity to apply for asylum and related relief. Indeed, the Court reviewed the requirement and consequences for non-compliance multiple times.

As no application had been filed for the co-Respondent by 2 May 2025, the Court found that he has waived his opportunity to apply for asylum and related relief and noted he would only be considered as a derivative on his mother's application.

On 23 September 2025, Respondents filed a motion to accept the untimely filing of their pre-hearing evidence "due to unforeseen technical difficulties in obtaining and consolidating critical supporting documents that are essential to a complete and accurate presentation of the case." Mot. at 2. The motion was filed in both cases. On 20 October 2025, the Court issued an Order in both cases granting the 23 September 2025 motion.

On 14 October 2025, only the co-Respondent filed a motion to accept the untimely filing of his I-589. The Court invertedly overlooked this motion but will address it now. The co-

Respondent requests that the Court accept his late application on the grounds that lacked the capacity to independently apply for asylum prior to turning 18 years old. This argument is unavailing.

The Court notes that counsel Silva entered his appearance as attorney for both lead and co-Respondent on 14 March 2025, and he has represented both throughout this period. Further, respondents and counsel were present at the 20 March 2025 hearing, which was conducted through an interpreter in the Portuguese language. All were advised of the filing deadline yet failed to comply. Moreover, it is possible that the decision to not submit an application for the co-Respondent was a strategic or tactical decision by counsel and Respondents. Lastly, in support of the motion, the co-Respondent points to 8 C.F.R. § 1003.31(c). Mot. at 3. However, this regulation speaks only to the submission of original documents and provides no support for their assertion.

**Order:**

Given the above, the co-Respondent's 14 October 2025 Motion to Accept Untimely Filing is DENIED.



Immigration Judge: Michael J Tisocco 06/05/2026

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due:

**Certificate of Service**

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Respondent Name : RAIMUNDO, MIRIAN | A-Number : 221-290-315

Riders:

221-290-343 RAIMUNDO-SANTANA, PABLO HENRIQUE

221-290-316 RAIMUNDO-SANTANA, PATRICK

Date: 06/05/2026 By: Michael J Tisocco, Immigration Judge

**Mirian Raimundo**  
**Patrick Raimundo Santana**  
**Pablo Henrique Raimundo Santana**

**File No. A 221-290-315**  
**File No. A 221-290-316**  
**File No. A 221-290-343**

**Proof of Service**

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

**RESPONDENTS' MOTION TO RECONSIDER**

To the following:

<b>Office Location:</b>	<b>Mailing Address:</b>
Office of the Chief Counsel Department of Homeland Security 915 Second Avenue, Suite 708 Seattle, WA 98174	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel 915 Second Avenue, Suite 708 Seattle, WA 98174

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.



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