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DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
7488 Calzada De La Fuente
Otay Mesa, CA 92154**

In the Matter of

Manuella Guasti Fernandes

In Removal Proceedings

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File No. A.236-718-835

Immigration Judge: Robinson JR., Eugene H. **Next Hearing Date:** August 17, 2026 at 8:00 a.m.

RESPONDENT'S MOTION FOR CONTINUANCE

**UNITED STATES DEPARTMENT OF JUSTICE
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File No. A. 236-718-835

RESPONDENT'S MOTION FOR CONTINUANCE

The undersigned counsel hereby respectfully requests a continuance of the upcoming Master Hearing currently scheduled for August 17, 2026, and in support states the following:

The undersigned counsel has only recently been retained to represent the Respondent in these proceedings. The Notices of Entry of Appearance as Attorney or Representative (Form EOIR-28) was filed on August 11, 2026.

The Master Calendar Hearing is presently scheduled for August 17, 2026, in under a week from the date of this filing. This compressed timeline does not afford undersigned counsel a meaningful opportunity to review the complete record, develop a comprehensive legal strategy, and adequately prepare the Respondent for proceedings before the Immigration Court.

This case involves a record that extends beyond the Immigration Court. Prior to the issuance of the Notice to Appear, Respondent's United States citizen spouse, Alina Carrie Grayeske (of record with USCIS as Alina Carrie Guasti), filed a Form I-130, Petition for Alien Relative, on Respondent's behalf, which was receipted by U.S.

Citizenship and Immigration Services ("USCIS") under Receipt No. IOE0936280445 on April 1, 2026. Respondent concurrently filed a Form I-485, Application to Register Permanent Residence or Adjust Status, receipted under Receipt No. IOE0936280444 on the same date. Both applications remain pending. *See* Exhibits 1 and 2.

Respondent has consistently complied with the directives of immigration authorities. Pursuant to a notice issued on April 10, 2026, Respondent appeared as directed and her biometrics were collected at the Application Support Center in Chula Vista, California, on May 1, 2026. *See* Exhibit 3. Respondent and her spouse thereafter appeared for an interview on the Form I-485 at the USCIS field office located at 1325 Front Street, San Diego, California, on July 13, 2026, as directed. *See* Exhibit 4.

Notwithstanding that record of compliance, on August 7, 2026, ICE issued a Form I-200, Warrant for Arrest of Alien, and took Respondent into custody at San Diego International Airport, where she was about to depart on a domestic flight within the United States. Respondent has been detained at the Otay Mesa Detention Center since that date.

Respondent was served with a Notice to Appear (Form I-862) on August 7, 2026. The Notice to Appear charges Respondent as removable under section 237(a)(1)(B) of the Act, as a nonimmigrant who remained in the United States beyond her authorized period of stay, and designates her as a noncitizen who has been admitted to the United States.

On August 10, 2026 (three days after Respondent was detained) USCIS issued a Request for Evidence in connection with the Form I-130. *See* Exhibit 5. The response deadline is November 2, 2026, and USCIS has expressly stated that extensions are not permitted. Undersigned counsel must prepare and file that response while simultaneously preparing these proceedings. The outcome of the Form I-130 bears directly on the relief available to Respondent before this Court.

Undersigned counsel was not involved in the prior family-based proceedings before USCIS and has not yet had the opportunity to obtain and review the complete record of those proceedings, including the record of the July 13, 2026 interview.

In order to provide effective representation, undersigned counsel requires additional time to consult with Respondent, who is detained; to obtain and review all relevant case materials and records; to gather supporting documentation; and to determine the appropriate legal strategy, including the evaluation of all available forms of relief.

Additional time will ensure that all filings and supporting evidence are submitted in a thorough and accurate manner, thereby promoting fairness and due process in these proceedings. This Motion is filed in good faith and not for the purpose of delay.

Pursuant to 8 C.F.R. § 1003.29, an Immigration Judge may grant a motion for continuance for good cause shown. Good cause exists here based on counsel's recent retention, the need to obtain and review the complete record of the prior family-based proceedings before USCIS, the limited time between the issuance of the Notice to Appear and the scheduled Master Calendar Hearing, the firm and non-extendable November 2, 2026 deadline to respond to the pending Request for Evidence, and the need to evaluate all available forms of relief.

A continuance is also warranted for reasons of judicial economy. Respondent has separately moved for custody redetermination in bond proceedings, and this Court has scheduled a bond hearing in those separate proceedings for August 20, 2026 at 8:00 a.m. — three days after the Master Calendar Hearing presently set for August 17, 2026. Respondent's custody status will therefore be decided immediately after, rather than before, the Master Calendar Hearing is convened. Should the Court order Respondent's release, she will reside with her United States citizen spouse at 4912 Muir Avenue, Apartment 5, San Diego, California 92107, and a change of venue to the non-detained docket would be appropriate. Taking pleadings and setting a detained-docket calendar on August 17, 2026, only for the custody question to be resolved three days later, risks committing the Court's and the parties' resources to a schedule that may promptly have to be undone. A continuance would allow the custody question to be resolved first, and the case thereafter to proceed on the docket appropriate to Respondent's circumstances.

WHEREFORE, Respondent respectfully requests that this Honorable Court grant a continuance of the Master Calendar Hearing to allow undersigned counsel sufficient time to prepare and effectively represent Respondent in these proceedings.

Respectfully,



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

Exhibit list

Exhibits:

Pages:

Exhibit 1

Receipt Notice for Form I-130, Petition for Alien Relative	1
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Exhibit 2

Receipt Notice for Form I-485, Application to Adjust Status	2-5
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Exhibit 3

USCIS Biometrics Appointment Notice Related to Adjustment Application	6-7
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Exhibit 4

Request for Applicant to Appear for Initial Interview on Application for Adjustment	8-9
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Exhibit 5

Request for Evidence on I-130	10-15
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Exhibit 1

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE Receipt		NOTICE DATE April 06, 2026	
CASE TYPE I-130, Petition for Alien Relative		USCIS ALIEN NUMBER	
RECEIPT NUMBER IOE0936280445	RECEIVED DATE April 01, 2026	PAGE 1 of 1	
PRIORITY DATE April 01, 2026	PREFERENCE CLASSIFICATION 201 B INA SPOUSE OF USC	DATE OF BIRTH August 08, 1986	
ALINA C. GUASTI 4912 MUIR AVENUE APT 5 SAN DIEGO, CA 92107		36 00011581	
		PAYMENT INFORMATION: Application/Petition Fee: \$675.00 Total Amount Received: \$675.00 Total Balance Due: \$0.00	
			
APPLICANT/PETITIONER NAME AND MAILING ADDRESS			
We have received your form and are currently processing the above case for the following beneficiaries:			
Name	Date of Birth	Country of Birth	Class (If Applicable)
GUASTI FERNANDES, MANUELLA	3/4/1996	BRAZIL	
If this notice contains a priority date, this priority does not reflect earlier retained priority dates. We will notify you separately about any other case you filed.			
If we determine you must submit biometrics, we will mail you a biometrics appointment notice with the time and place of your appointment.			
If you have questions or need to update your personal information listed above, please visit the USCIS Contact Center webpage at uscis.gov/contactcenter to connect with a live USCIS representative in English or Spanish.			
USCIS Office Address: USCIS National Benefits Center P.O. Box 648003 Lee's Summit, MO 64002		USCIS Contact Center Number: (800)375-5283 APPLICANT COPY 	



Exhibit 2

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



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REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			Notice Date June 05, 2026
Case Type(s) FORM I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A236 718 835
Receipt Number IOE0936280444	Received Date April 01, 2026	Priority Date	Page 1 of 2
MANUELLA GUASTI FERNANDES c/o ALINA CARRIE GUASTI 4912 MUIR AVENUE APT 5 SAN DIEGO CA 92107		A Number Receipt Number 	
Failure to appear for the scheduled appointment without prior notification and without good cause may result in the denial of your application. (8 CFR 103.2) You are notified to appear before a USCIS officer regarding the application identified above at the date, time, and place indicated above. Waiting room capacity is limited. Please do not arrive any earlier than 30 minutes before your scheduled appointment time. The proceeding can take about two hours. If you cannot keep this appointment, call the U.S. Citizenship and Immigration Services (USCIS) Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) as soon as possible to reschedule your appointment. Who should come with you: - If your eligibility is based on your marriage, your husband or wife must come with you to the interview. - If you do not speak English fluently, you should bring an interpreter. - Your attorney or authorized representative may come with you to the interview. - If your eligibility is based on a parent/son or daughter relationship and the son or daughter is a minor, the petitioning parent and the son or daughter must appear for the interview. YOU MUST BRING THE FOLLOWING ITEMS WITH YOU: (Please use as a checklist to prepare for your interview) - This Interview Notice and your Government issued photo identification. OK - If required, a completed Form I-693, Report of Medical Examination and Vaccination Record, and/or vaccination supplement in a sealed envelope OK (unless already submitted). Please see the Form I-693 Instructions for guidance on whether you need a complete medical examination, an updated vaccine supplement only, or neither. - If required, a completed Form I-864, Affidavit(s) of Support, with all required evidence (unless already submitted). Please see the Form I-864 Instructions for guidance on whether you need a Form I-864. Required evidence for each of your sponsors includes, but is not limited to, the following: - Federal Income Tax returns and W-2's, or certified IRS printouts, for the most recent tax year. - Letters from each current employer, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months; - Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status. → PASSPORTS - All documentation establishing your eligibility for Lawful Permanent Resident status. This includes, but is not limited to, proof of status as an asylee, refugee, or a fiancé(e) nonimmigrant. - Any immigration-related documentation ever issued to you, including any Form I-766, Employment Authorization Document (EAD); Form I-512, Authorization for Advance Parole; and Form I-571, Refugee Travel Document. - All travel documents used to enter the United States, including Passports; Form I-512, Authorization for Advance Parole; Form I-571 Refugee Travel Document; and Form I-94, Arrival/Departure Record. - Your Birth Certificate. - If your Form I-485 is based on a petition filed by a family member, your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status. - If you have children, bring a Birth Certificate for each of them. - If your eligibility is based on your marriage, in addition to your husband or wife coming to the interview with you, bring: - A certified copy of your Marriage Document issued by the appropriate civil authority; OK - Your husband or wife's Birth Certificate; OK - Your husband or wife's evidence of United States Citizenship or Lawful Permanent Resident status; OK - If either you or your husband or wife were ever married before, all divorce decrees/death certificates for each prior marriage; - Birth Certificates for all children of this marriage, and custody papers for your children and for your husband or wife's children not living with you; - Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your husband or wife may have together. This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car,			
PLEASE COME TO: U.S. Citizenship and Immigration Services 1325 FRONT STREET SAN DIEGO, CA 92101		ON: Monday, July 13, 2026 AT: 12:30PM	
1			

If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information.

Notice for Customers with Disabilities

To request a disability accommodation:

- Go to uscis.gov/accommodations to make your request online, or
- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			Notice Date June 05, 2026
Case Type(s) FORM I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A236 718 835
Receipt Number IOE0936280444	Received Date April 01, 2026	Priority Date	Page 2 of 2
house, etc.), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or any other documents you feel may substantiate your relationship. • The originals and copies of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records. • If you have ever been arrested, bring the related Police Report and the original or certified Final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this. • A certified English translation for each foreign language document. The translator must certify they are fluent in both languages, and that the translation in its entirety is complete and accurate. NOTE: For asylee and refugee Form I-485 applicants, we do not require some of the items listed above. Please refer to the Form I-485 Instructions for detailed guidance. For asylee and refugee Form I-485 applicants, your husband or wife does not need to come to the interview. Additionally, for arrests and criminal records, asylee and refugee applicants are only required to provide records for arrests that occurred in the United States. To request a disability accommodation, go to www.uscis.gov/accommodations or call the USCIS Contact Center at as soon as possible, even if you indicated on your application that you require an accommodation. For questions about your application, you can use our many online tools (uscis.gov/tools) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting uscis.gov/contactcenter.			
PLEASE COME TO: U.S. Citizenship and Immigration Services 1325 FRONT STREET SAN DIEGO, CA 92101			ON: Monday, July 13, 2026 AT: 12:30PM
2			

If you are visiting a field office and need directions, including public transportation directions, please see www.uscis.gov/fieldoffices for more information.

Notice for Customers with Disabilities

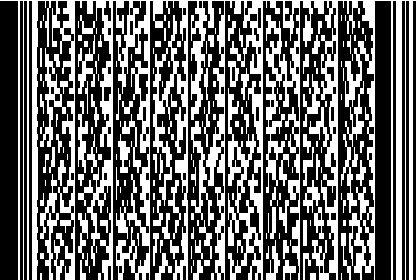
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- Call the USCIS Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) for help in English or Spanish.

If you need a sign language interpreter, make your request as soon as you receive your appointment notice. The more advance notice we have of your accommodation request, the better prepared we can be and less likely we will need to reschedule your appointment. For more information about accommodations, visit uscis.gov/accommodationsinfo.

Exhibit 3



ASC Appointment Notice		CASE TYPE I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	NOTICE DATE 04/10/2026
APPLICATION/PETITION/REQUEST NUMBER IOE0936280444		USCIS A# A236 718 835	CODE 3
ACCOUNT NUMBER 025898800450	TCR	SERVICE CENTER NBC	PAGE 1 of 2
MANUELLA GUASTI FERNANDES c/o ALINA CARRIE GUASTI 4912 MUIR AVENUE APT 5 SAN DIEGO CA 92107			
READ THIS ENTIRE NOTICE CAREFULLY. To process your application, petition, or request, U.S. Citizenship and Immigration Services (USCIS) must collect your biometrics. Please appear at the Application Support Center (ASC) at the date and time specified. TO REQUEST THAT USCIS RESCHEDULE YOUR APPOINTMENT, SEE THE INSTRUCTIONS AT THE BOTTOM OF THIS NOTICE. IF YOU FAIL TO APPEAR AS SCHEDULED, USCIS WILL CONSIDER YOUR BENEFIT REQUEST ABANDONED AND IT MAY BE DENIED.			
APPLICATION SUPPORT CENTER USCIS SAN DIEGO 1655 Broadway Suite 22 Chula Vista CA 91911		DATE AND TIME OF APPOINTMENT 05/01/2026 10:00AM	
WHEN YOU APPEAR AT THE ASC FOR BIOMETRICS SUBMISSION, YOU MUST BRING: THIS APPOINTMENT NOTICE. If you received multiple ASC notices, bring <u>all</u> notices to your first appointment, and PHOTO IDENTIFICATION. You must bring a valid government-issued photo identification. If the name on your identification is different than the name on your ASC notice, bring supporting documents. If you filed an Application for Naturalization (Form N-400) or Application to Replace Permanent Resident Card (Form I-90), you must bring your Permanent Resident Card (also known as a Green Card). If you are sick, do not visit a USCIS office, follow the instructions on this notice to reschedule your appointment. If you have injuries that may interfere with your biometrics submission, USCIS may reschedule your appointment. Cell phones or electronic devices must be turned off during biometrics submission. No one may photograph or record at an ASC. For more information regarding your ASC appointment, visit https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment. NOTE: If an ASC closes due to weather or other reasons, USCIS will automatically reschedule your appointment for the next available date and time and you will receive a new ASC appointment notice. For the latest information on the status of an office, visit https://www.uscis.gov/about-us/uscis-office-closings. Please check this page on the day of your appointment. You must update your address if you move. For instructions, visit https://www.uscis.gov/addresschange. USCIS may use your biometrics to check the criminal history records of the FBI, for identity verification, to determine eligibility, to create immigration documents (e.g., Green Card, Employment Authorization Document, etc.), or for any purpose authorized by the Immigration and Nationality Act. You may obtain a copy of your FBI record using the procedures outlined in 28 C.F.R. 16.32. Visit: https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/identity-history-summary-checks for more information. For Privacy Act information, please visit https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/compact-council/privacy-act-statement. If you cannot attend your scheduled appointment, you may request to reschedule at https://my.uscis.gov/accounts/biometrics/overview or by calling the USCIS Contact Center at 1-800-375-5283 (TTY 800-767-1833). You must make your request before the date and time of the original appointment, and you must establish good cause for rescheduling. If you fail to make a request before your scheduled appointment or fail to establish good cause, and you do not appear at your appointment, USCIS may consider your application, petition, or request abandoned and, as a result, it may be denied. For more information about rescheduling, see https://www.uscis.gov/forms/filing-guidance/preparing-for-your-biometric-services-appointment. If you cannot leave your home/hospital due to a serious ongoing medical condition, you may request a mobile biometrics appointment by following the instructions on the back of this notice under "Notice for People with Disabilities," or by visiting uscis.gov/accommodations.			
If you have any questions regarding this notice, please contact the USCIS Contact Center at 1-800-375-5283.			



Important Information for Your Biometric Services Appointment

- You must have a scheduled biometric services appointment before arriving at an Application Support Center (ASC). You must bring your printed ASC appointment notice (Form I-797C). Your notice has specific instructions on what you should bring to your ASC appointment including valid photo identification such as your Permanent Resident Card ("Green Card"), passport, or driver's license) and the completed Applicant Information Worksheet (AIW) below.
- Only those necessary to assist you with transportation or your appointment should accompany you to the ASC. This includes attorneys and interpreters.
- Family groups may appear together, even if they are scheduled for a different day.
- Military members may appear at an ASC during normal operating hours without an appointment.
- If you arrive more than 15 minutes before your appointment, you may be asked to wait to be processed.
- On the day of your appointment, please check for office closures or delays here: www.uscis.gov/about-us/uscis-office-closings
- ASCs do not provide information services or case services relating to the status of applications, petitions, or requests. To track the status of an immigration application, petition, or request, visit: <https://egov.uscis.gov/>

FBI Privacy Act Statement

Authority: The FBI's acquisition, preservation, and exchange of fingerprints and associated information is generally authorized under 28 U.S.C. 534. Depending on the nature of your application, supplemental authorities include Federal statutes, State statutes pursuant to

Pub. L. 92-544, Presidential Executive Orders, and federal regulations. Providing your fingerprints and associated information is voluntary; however, failure to do so may affect completion or approval of your application.

Principal Purpose: Certain determinations, such as employment, licensing, and security clearances, may be predicated on fingerprint-based background checks. Your fingerprints and associated information/biometrics may be provided to the employing, investigating, or otherwise responsible agency, and/or the FBI for the purpose of comparing your fingerprints to other fingerprints in the FBI's Next Generation Identification (NGI) system or its successor systems (including civil, criminal, and latent fingerprint repositories) or other available records of the employing, investigating, or otherwise responsible agency. The FBI may retain your fingerprints and associated information/biometrics in NGI after the completion of this application and, while retained, your fingerprints may continue to be compared against other fingerprints submitted to or retained by NGI.

Routine Uses: During the processing of this application and for as long thereafter as your fingerprints and associated information/biometrics are retained in NGI, your information may be disclosed pursuant to your consent, and may be disclosed without your consent as permitted by the Privacy Act of 1974 and all applicable Routine Uses as may be published at any time in the Federal Register, including the Routine Uses for the NGI system and the FBI's Blanket Routine Uses. Routine uses include, but are not limited to, disclosures to: employing, governmental or authorized non-governmental agencies responsible for employment, contracting, licensing, security clearances, and other suitability determinations; local, state, tribal, or federal law enforcement agencies; criminal justice agencies; and agencies responsible for national security or public safety.

APPLICANT'S INFORMATION WORKSHEET (AIW)

NAME:

FIRST	MIDDLE	LAST
-------	--------	------

LIST ANY OTHER NAMES USED (MAIDEN NAME, PREVIOUS MARRIAGE, ALIAS, ETC.):

1)

FIRST	MIDDLE	LAST
-------	--------	------

2)

FIRST	MIDDLE	LAST
-------	--------	------

DATE OF BIRTH (MM/DD/YY)

COUNTRY OF BIRTH

COUNTRY OF CITIZENSHIP

SEX: (CHECK ONE)

- ☐ MALE
☐ FEMALE

RACE: (CHECK ONE)

- ☐ ASIAN
☐ BLACK
☐ CAUCASIAN/LATINO

- ☐ NATIVE AMERICAN
☐ UNKNOWN

EYE COLOR: (CHECK ONE)

- ☐ BLACK
☐ BLUE
☐ BROWN
☐ GRAY
☐ GREEN

☐ HAZEL

☐ MAROON

☐ MULTICOLOR

☐ PINK

☐ UNKNOWN

HAIR COLOR: (CHECK ONE)

☐ BALD

☐ BLACK

☐ BLOND OR STRAWBERRY

☐ BLUE

☐ BROWN

☐ GRAY

☐ GREEN

☐ ORANGE

☐ PINK

☐ PURPLE

☐ RED OR AUBURN

☐ SANDY

☐ WHITE

☐ UNKNOWN

HEIGHT:

OR

WEIGHT:

OR

FEET/INCHES

CENTIMETERS

POUNDS

KILOGRAMS

When you provide your digital signature, you will be attesting to the following:

I declare under penalty of perjury that I have reviewed and understand the document(s) identified by the receipt number displayed on the screen above, and that all the information in these materials is complete, true, and correct. This includes any:

- application, petition, or request that I submitted;
- application, petition, or request that I provided on behalf of my derivative beneficiary;
- application, petition, or request that was submitted on my behalf; and
- supporting documents, applications, petitions, or requests filed with my application, petition, or request that I (or my attorney or accredited representative) filed with USCIS, or that was filed on my behalf.

RETURN "AIW" TO APPLICANT

AIW: REVISED 14 APR 2025

Exhibit 4



REQUEST FOR APPLICANT TO APPEAR FOR INITIAL INTERVIEW			Notice Date June 05, 2026
Case Type(s) FORM I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A236 718 835
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Failure to appear for the scheduled appointment without prior notification and without good cause may result in the denial of your application. (8 CFR 103.2) You are notified to appear before a USCIS officer regarding the application identified above at the date, time, and place indicated above. Waiting room capacity is limited. Please do not arrive any earlier than 30 minutes before your scheduled appointment time. The proceeding can take about two hours. If you cannot keep this appointment, call the U.S. Citizenship and Immigration Services (USCIS) Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) as soon as possible to reschedule your appointment. <u>Who should come with you:</u> • If your eligibility is based on your marriage, your husband or wife must come with you to the interview. • If you do not speak English fluently, you should bring an interpreter. • Your attorney or authorized representative may come with you to the interview. • If your eligibility is based on a parent/son or daughter relationship and the son or daughter is a minor, the petitioning parent and the son or daughter must appear for the interview. <u>YOU MUST BRING THE FOLLOWING ITEMS WITH YOU:</u> (Please use as a checklist to prepare for your interview) • This Interview Notice and your Government issued photo identification. • If required, a completed Form I-693, Report of Medical Examination and Vaccination Record, and/or vaccination supplement in a sealed envelope (unless already submitted). Please see the Form I-693 Instructions for guidance on whether you need a complete medical examination, an updated vaccine supplement only, or neither. • If required, a completed Form I-864, Affidavit(s) of Support, with all required evidence (unless already submitted). Please see the Form I-864 Instructions for guidance on whether you need a Form I-864. Required evidence for each of your sponsors includes, but is not limited to, the following: • Federal Income Tax returns and W-2's, or certified IRS printouts, for the most recent tax year; • Letters from each current employer, verifying current rate of pay and average weekly hours, and pay stubs for the past 2 months; • Evidence of your sponsor's and/or co-sponsor's United States Citizenship or Lawful Permanent Resident status. • All documentation establishing your eligibility for Lawful Permanent Resident status. This includes, but is not limited to, proof of status as an asylee, refugee, or a fiancé(e) nonimmigrant. • Any immigration-related documentation ever issued to you, including any Form I-766, Employment Authorization Document (EAD); Form I-512, Authorization for Advance Parole; and Form I-571, Refugee Travel Document. • All travel documents used to enter the United States, including Passports; Form I-512, Authorization for Advance Parole; Form I-571 Refugee Travel Document; and Form I-94, Arrival/Departure Record. • Your Birth Certificate. • If your Form I-485 is based on a petition filed by a family member, your petitioner's Birth Certificate and your petitioner's evidence of United States Citizenship or Lawful Permanent Resident Status. • If you have children, bring a Birth Certificate for each of them. • If your eligibility is based on your marriage, in addition to your husband or wife coming to the interview with you, bring: • A certified copy of your Marriage Document issued by the appropriate civil authority; • Your husband or wife's Birth Certificate; • Your husband or wife's evidence of United States Citizenship or Lawful Permanent Resident status; • If either you or your husband or wife were ever married before, all divorce decrees/death certificates for each prior marriage; • Birth Certificates for all children of this marriage, and custody papers for your children and for your husband or wife's children not living with you; • Supporting evidence of your relationship, such as copies of any documentation regarding joint assets or liabilities you and your husband or wife may have together. This may include: tax returns, bank statements, insurance documents (car, life, health), property documents (car,			
PLEASE COME TO: U.S. Citizenship and Immigration Services 1325 FRONT STREET SAN DIEGO, CA 92101		ON: Monday, July 13, 2026 AT: 12:30PM	
1			



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Case Type(s) FORM I485, APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS			A# A236 718 835
Receipt Number IOE0936280444	Received Date April 01, 2026	Priority Date	Page 2 of 2
house, etc.), rental agreements, utility bills, credit cards, contracts, leases, photos, correspondence and/or any other documents you feel may substantiate your relationship. • The originals and copies of each supporting document that you submitted with your application. Otherwise, we may keep your originals for our records. • If you have ever been arrested, bring the related Police Report and the original or certified Final Court Disposition for each arrest, even if the charges have been dismissed or expunged. If no court record is available, bring a letter from the court with jurisdiction indicating this. • A certified English translation for each foreign language document. The translator must certify they are fluent in both languages, and that the translation in its entirety is complete and accurate. NOTE: For asylee and refugee Form I-485 applicants, we do not require some of the items listed above. Please refer to the Form I-485 Instructions for detailed guidance. For asylee and refugee Form I-485 applicants, your husband or wife does not need to come to the interview. Additionally, for arrests and criminal records, asylee and refugee applicants are only required to provide records for arrests that occurred in the United States. To request a disability accommodation, go to www.uscis.gov/accommodations or call the USCIS Contact Center at as soon as possible, even if you indicated on your application that you require an accommodation. For questions about your application, you can use our many online tools (uscis.gov/tools) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting uscis.gov/contactcenter.			
PLEASE COME TO: U.S. Citizenship and Immigration Services 1325 FRONT STREET SAN DIEGO, CA 92101		ON: Monday, July 13, 2026 AT: 12:30PM	
2			

Exhibit 5

August 10, 2026

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 128158
San Diego, CA 92112



U.S. Citizenship
and Immigration
Services

ALINA CARRIE GUASTI
c/o MANUELLA GUASTI FERNANDES
4912 MUIR AVENUE APT 5
SAN DIEGO, CA 92107



IOE0936280445

RE: MANUELLA GUASTI FERNANDES
I-130, Petition for Alien Relative



A236-718-835

REQUEST FOR EVIDENCE

This notice concerns your Form I-130, Petition for Alien Relative, filed with U.S. Citizenship and Immigration Services (USCIS) on April 1, 2026.

After thoroughly reviewing your Form I-130, any interview testimony, and the record of evidence, we have determined that more evidence and/or information is needed to process your case. This notice explains the specific evidence and/or information needed. See the **ATTACHMENT** page(s) for details.

Submitting the requested evidence does not guarantee approval. Please provide all evidence and/or information listed in the attachment as soon as possible, and no later than **November 2, 2026**. Any interim benefits related to your application or petition will be delayed until we receive your response.

You have been given the maximum time allowed to respond. Extensions are not permitted by regulations. For more information, see Title 8, Code of Federal Regulations (8 CFR), sections 103.2(b)(8)(iv) and 335.7.

Avoid Delays

Send all requested evidence by **November 2, 2026**. Late submissions will not be considered. Be sure to include all requested evidence and information in one complete package. If you send only part of the requested evidence, USCIS will review only what you provide. This notice contains your unique number. The original notice must be submitted with the requested evidence. Use the enclosed cover sheet as the first page of your submission. Save copies of all documents you send to USCIS.

Respond by Mail or Through Your MyUSCIS Account—Not Both

If your case receipt number starts with "IOE" (e.g., IOE9988888888), you can upload your documents online. To do this, log in or create an account at <https://myaccount.uscis.gov>. If USCIS requests original documents, you must mail them; do not upload online. Do not send the same documents by both mail and online upload.

If your case receipt number does not start with "IOE" or if you are sending original documents, you must respond by mail. To mail in evidence, send your response with all requested evidence to the address on the cover sheet.

Foreign Language Documents

If submitting a document in a foreign language, provide a full and complete certified English translation of the entire document. This includes translating the registrar's name, information, signature, and any official stamps. The translator must certify that the translation is accurate and that they are qualified to translate from the foreign language into English. Also include a copy of the original foreign language document.

Special Requests

To send a form, fee, or other required item to a different address (such as a Lockbox facility), use the correct address found in the form instructions at www.uscis.gov/forms. Attach a copy of this notice to help identify your case. Include all required documents and payments. Follow any specific instructions for submissions to the designated address. Keep copies of all documents and payments for your records.

Withdrawal Requests

To withdraw a case, send a signed and dated written request to:

**U.S. Citizenship and Immigration Services
San Diego Field Office
P.O. Box 128338
San Diego, CA 92112**

Need Help or Have Questions?

For help with your application or petition, or to access forms and instructions, visit www.uscis.gov. You can also use the following tools:

- **Virtual Assistant Emma:** www.uscis.gov/tools/uscis-tools-and-resources
- **Case Status Online Tool:** <https://egov.uscis.gov>
- **USCIS Contact Center:** www.uscis.gov/contactcenter

If you cannot find the information you need online, call the USCIS Contact Center:

- **General Assistance:** 1-800-375-5283
- **Military Cases:** 1-877-247-4645
- **TTY for Hearing Impaired:** 1-800-767-1833

Sincerely,



Diana Y. Barrios

ATTACHMENT
Request for Evidence
I-130, Petition for Alien Relative
Response Deadline: November 2, 2026

You requested that the beneficiary be classified as the foreign spouse of a U.S. citizen or lawful permanent resident, with a marriage lasting for less than two years at the time of entry, under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (INA). This status (CR1) is conditional, meaning the foreign spouse must later apply to remove these conditions to become a permanent resident without restrictions.

To approve a petition under INA 201(b), the petitioner must prove a bona fide (genuine) spousal relationship with the beneficiary and prove that the petitioner is a U.S. citizen.

Title 8 Code of Federal Regulations (8 CFR) section 204.2(a)(1), **Eligibility**, states in pertinent part: A United States citizen or alien admitted for lawful permanent residence may file a petition on behalf of a spouse. In addition to evidence of United States citizenship or lawful permanent residence, the petitioner must also provide evidence of the claimed relationship.

A petition submitted on behalf of a spouse must be accompanied by a recent ADIT-style photograph of the petitioner, a recent ADIT-style photograph of the beneficiary, a certificate of marriage issued by civil authorities, and proof of the legal termination of all previous marriages of both the petitioner and the beneficiary. However, non-ADIT-style photographs may be accepted by the district director when the petitioner or beneficiary reside(s) in a country where such photographs are unavailable or cost prohibitive.

In visa petition proceedings, it is the petitioner's responsibility to prove eligibility for the requested immigration benefit under the Immigration and Nationality Act (INA). See *Matter of Brantigan*, 11 I&N Dec. 493, 495 (BIA 1966). You must show that the beneficiary qualifies as your spouse.

The beneficiary must be eligible for the benefit at the time the petition is filed. See *Matter of Drigo*, 18 I&N Dec. 223 (BIA 1982). The petitioner must prove eligibility at the time of filing; a petition cannot be approved later based on new facts that arise after filing. See *Matter of Katigbak*, 14 I&N Dec. 45 (Reg. Com. 1971).

You cannot make material changes to a petition after it has been filed to fix deficiencies and meet USCIS requirements. See *Matter of Izumii*, 22 I&N Dec. 169 (BIA 1998). If there are inconsistencies in the record, the petitioner must resolve or explain them with independent, objective evidence. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Evidence of a Genuine ("Bona Fide") Marriage

To continue processing your application or petition, please submit evidence showing that the marriage between ALINA CARRIE GUASTI and MANUELLA GUASTI FERNANDES is or was genuine ("bona fide") and entered into in good faith. This means the marriage was for building a life together, not just for immigration benefits.

For a Current Marriage



Submit evidence of a shared life together from November 4, 2025 to the present.

Examples of Acceptable Evidence

Shared Finances

- Joint tax returns;
- Joint bank accounts (include account information and a bank letter stating when accounts were opened and names added);
- Joint credit card statements;
- Joint loans or insurance policies; and
- Mortgage or lease agreements in both names.

Shared Residence

- Mail sent to both spouses at the same address;
- Joint utility bills (telephone, gas, electric, water);
- Documents showing joint ownership of property/assets (home, boat, automobile, business);
- Insurance policies listing one spouse as the dependent of the other; and
- Driver's licenses showing the same address.

Children

- Birth certificates listing both parents;
- Adoption certificates; and
- School or medical records listing one spouse as an emergency contact for the other's children.

Relationship History

- Photos of the couple with friends and family;
- Travel itineraries showing trips taken together;
- Wedding photos; and
- Cards, letters, and messages exchanged between spouses.

Other Evidence

- Joint memberships (gym, club);
- Joint pet ownership records;
- Evidence of gifts purchased for each other; and
- Affidavits.

Affidavits

If you choose to submit affidavits as evidence, please note that affidavits will only be given minimal weight unless they are supported by other independent and objective evidence that confirms the statements made by the affiants. Each affidavit must:

- Be sworn or affirmed under penalty of perjury;
- Be provided by individual(s) with personal knowledge of the event;
- Each affidavit must include:
 - The full name and address of the affiant;
 - The date and place of birth of the affiant;
 - The relationship between the affiant and the parties to this petition;

- Full information about the event (e.g., date and place of marriage, divorce, death, etc.);
- Complete details on how the affiant knows about the event; and
- Be supported by documentary evidence.

Affidavits from you or the beneficiary are not acceptable. Each person providing an affidavit must submit their own, individually signed statement. We will not accept a single affidavit signed by multiple individuals. The person providing the affidavit may be required to testify before an immigration officer.

Additional Evidence

During the interview, you stated that you each pay half the rent from separate bank accounts, that you pay the electric bill, and that the beneficiary reimburses you for utilities via Zelle. Submit proof of rental payments, all individual bank statements for you and the beneficiary, and Zelle utility payments from the start of your shared residence to the present. You also stated that you have traveled together. Submit evidence of joint travel, such as hotel reservations, flight tickets, boarding passes, or similar documentation.



COVERSHEET
RETURN INFORMATION AND SUPPORTING EVIDENCE
WITH THIS PAGE ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

San Diego Field Office
ATTN: RFE/NOID/NOIR/NOIT
P.O. Box 128338
San Diego, CA 92112

"IOE" Case Receipt Responses May be Uploaded to <https://myaccount.uscis.gov>
See the Notice Instructions for Details.

Check the appropriate box to indicate if there is a new Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, or any additional forms included.

Place the new Form G-28 and any additional forms directly beneath this sheet in your submission.

Yes, there is:

☐

A New G-28

☐

Other:

☐

Additional Forms

☐

DO NOT SEND ANY FEES TO THIS ADDRESS

(Select appropriate check box)

☐

Applicant/Beneficiary

☐

Petitioner

REQUEST FOR EVIDENCE

I-130 Petition for Alien Relative



IOE0936280445



A236-718-835

GUASTI FERNANDES, MANUELLA
GUASTI, ALINA

Proof of Service

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

RESPONDENT'S MOTION FOR CONTINUANCE

To the following:

Office Location:	Mailing Address:
Office of the Principal Legal Advisor Department of Homeland Security 7488 Calzada de la Fuente, San Diego, CA 92154	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor, San Diego (Otay Mesa) P.O. Box 438150 San Diego, CA 92154

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)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
Counsel for Respondent