Non-Detained

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

In the Matter of	)	
Giovanna Izabely Alves Saraiva	)	**File No. A 256-048-806**
In Removal Proceedings	)	

Immigration Judge: Carman, Andre **Next Hearing Date:** April 7, 2027, at 1:00 PM.

RESPONDENT'S WRITTEN PLEADINGS

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COMES NOW, Respondent, by and through undersigned counsel, and, pursuant to the Immigration Court's Order dated September 21, 2026, which sets a deadline of October 23, 2026, respectfully submits the following Written Pleadings.

1. Respondent admits proper service of the Notice to Appear (NTA) issued by the Department of Homeland Security, dated April 13, 2026.

2. Counsel has explained to Respondent the following:

(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. Respondent concedes removability under **INA § 237 (a) (1) (B)** of the Immigration and Nationality Act, as amended, on the ground that, after admission as a B-2 nonimmigrant under Section

101 (a) (15) of the Act, she remained in the United States longer than permitted.

4. Respondent admits factual allegations (1) through (7) set forth in the Notice to Appear as follows:

(1) Respondent is not a citizen or national of the United States;

(2) Respondent is a native and a citizen of Brazil;

(3) Respondent was inspected and admitted to the United States in New York City, New York, on March 3, 2025, as a B-2 nonimmigrant visitor with authorization to remain until September 2, 2025;

(4) On September 03, 2025, Respondent filed the Form I-539 (Receipt No. MCT2586893546), Application to Extend/Change Nonimmigrant Status, seeking to extend her nonimmigrant visitor for pleasure (B-2) status;

(5) Respondent's Form I-539 was denied on December 29, 2025, due to abandonment;

(6) Respondent remained in the United States beyond December 29, 2025, without authorization from the Department of Homeland Security;

(7) Respondent does not currently possess a valid immigrant or nonimmigrant visa or other valid entry document permitting her to enter into or remain in the United States.

5. In the event of removal, Respondent declines to designate a country of removal.

6. Respondent intends to apply for the following forms of relief from removal:

(a) **Asylum, Withholding of Removal, and protection under the Convention Against Torture (CAT):** Respondent intends to file Form I-589 in the coming days, as permitted by the Court and subject to any filing deadline subsequently set. The Form I-589 has not yet been filed;

(b) **Lawful Permanent Residence Based on a Family-Based Petition:** Respondent is married to a United States citizen, who intends to file a family-based immigrant visa petition (Form I-130, Petition for Alien Relative) on her behalf. Respondent intends to pursue lawful permanent residence through adjustment of status, subject to all applicable jurisdictional and statutory requirements;

(c) Any other form of relief for which Respondent may become eligible.

7. Respondent attended her biometrics appointment on March 30, 2026. Counsel has advised Respondent that, pursuant to 8 C.F.R. § 1003.47(d), failure to provide biometrics within the time allowed, absent good cause, will constitute abandonment of the application.

8. Respondent's native language is Brazilian Portuguese. Respondent respectfully requests that a certified interpreter in Brazilian Portuguese be provided for all future hearings.

9. Respondent estimates that the individual merits hearing will require approximately three (3) hours. Respondent respectfully requests that the Court reserve sufficient time for the full presentation of evidence and testimony.

10. Based on the foregoing, counsel respectfully requests that this Honorable Court accept these Written Pleadings.

Respectfully,



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

Exhibit list

Exhibits:	Pages:
Exhibit 1	
Giovanna Izabely Alves Saraiva's Pleading Declaration with English Translation	1-2

Exhibit 1

RESPONDENT'S PLEADING DECLARATION

I, Giovanna Izabely Alves Saraiva (A-Number 256-048-806), 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, Giovanna Izabely Alves Saraiva, 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 ///

Date: October 19, 2026.

GIOVANNA IZABELY ALVES SARAIVA

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.



Date: October 19, 2026.

ANDRÉ VINICIUS INACIO PENNA MELLO

DECLARAÇÃO DE PLEITOS FINAIS

Eu, Giovanna Izabely Alves Saraiva (Número A 256-048-806), declaro, sob pena de perjúrio, que sou nativa 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, Giovanna Izabely Alves Saraiva, fui informada 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 informada pelo meu advogado e representante sobre as consequências de não comparecer a uma audiência. Também fui informada pelo meu advogado sobre as consequências de não comparecer a uma data programada de partida ou deportação. Eu entendo essas consequências.

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

Fui informada 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.

Giovanna Izabely Alves Saraiva

GIOVANNA IZABELY ALVES SARAIVA

Data: 19 de outubro de 2026.

Giovanna Izabely Alves Saraiva **File No. A 256-048-806**

Proof of Service

On this date, 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 100 Montgomery Street, Suite 200 San Francisco, CA 94104

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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