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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	)	
	)	
Angelo Marcio Nicodemos	)	**File No. A 216-541-471**
Poliana Lima Nicodemos	)	**File No. A 216-586-380**
Nicollas Lima Nicodemos	)	**File No. A 216-586-381**
Nicaelly Geovana Lima Nicodemos	)	**File No. A 216-541-473**
Nicolly Karine Lima Nicodemos	)	**File No. A 216-541-472**
	)	
In Removal Proceedings	)	
	)	

Immigration Judge: **Daly, Robert B.** Next Hearing: **November 6, 2026, at 1:00 p.m.**

RESPONDENTS' MOTION FOR VIDEO APPEARANCE (WEBEX)

UNITED STATES DEPARTMENT OF JUSTICE
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RESPONDENTS' MOTION FOR VIDEO APPEARANCE (WEBEX)

The Respondents, through undersigned counsel, respectfully move this Court, pursuant to section 240(b)(2)(A)(iii) of the Immigration and Nationality Act (INA) and 8 C.F.R. § 1003.25(c), for leave to appear by video (Webex) at the Master Calendar Hearing scheduled for **November 6, 2026, at 1:00 p.m.**, before Immigration Judge Robert B. Daly. Concurrently with this motion, Respondents have filed a Motion to Change Venue to the Seattle Immigration Court. Pending the adjudication of that motion, Respondents ask that they and counsel be permitted to appear by video or, in the alternative, that counsel be permitted to appear by video while Respondents appear in person. In support of this motion, Respondents state as follows:

Respondents are a family of five whose proceedings are consolidated under the lead file of Angelo Marcio Nicodemos (A 216-541-471). On September 11, 2026, the Court issued a Notice of In-Person Hearing setting a Master Calendar Hearing in Concord, California, on November 6, 2026. Respondents, however, reside at **8526 Vernon Rd., Apt. 1, Lake Stevens, WA 98258**, more than 700 miles from this Court, and the lead Respondent notified the Court of that address by filing Form EOIR-33/IC on April 28, 2025. Undersigned counsel's office is located in San Diego, California, more than 400 miles from this Court.

Because Respondents' lives are now in Washington, they have moved to change venue to the Seattle Immigration Court. That motion requires that DHS be given notice and an opportunity to respond, 8 C.F.R. § 1003.20(b). The motion to change venue may therefore remain pending on November 6, 2026, and its filing does not excuse Respondents' or counsel's appearance. ICPM, Ch. 5.10(c). This motion is intended to ensure that all Respondents and counsel can attend that hearing as required while the venue question is resolved.

The INA expressly authorizes removal proceedings to take place "through video conference." INA § 240(b)(2)(A)(iii), 8 U.S.C. § 1229a(b)(2)(A)(iii). The implementing regulation provides that "[a]n Immigration Judge may conduct hearings through video conference to the same extent as he or she may conduct hearings in person." 8 C.F.R. § 1003.25(c). The Immigration Judge, the respondent, DHS counsel, and any witnesses need not be in the same location, and hearings conducted by video are governed by the same rules as in-person hearings. ICPM, Ch. 4.7(b)–(c). Whether to permit a remote appearance is a matter within the Court's discretion.

Requiring Respondents to appear in person would compel a family of five, including three children, to travel more than 700 miles each way for a single master calendar hearing. That trip would entail significant costs for transportation and lodging.

A video appearance would not compromise the hearing. Master calendar hearings are procedural in nature: they involve no witness testimony, credibility determinations, or presentation of evidence on the merits. Counsel and Respondents will be able to see, hear, and communicate fully with the Court through Webex. Respondents will join from their residence in Lake Stevens, in a private and quiet space with a stable internet connection and a device equipped with a camera and microphone and counsel will join from counsel's office. Permitting a video appearance would neither prejudice DHS nor delay these proceedings.

Alternatively, counsel should be permitted to appear by video.

Should the Court require Respondents to appear in person, Respondents respectfully request, in the alternative, that undersigned counsel be permitted to appear by video while Respondents attend in person in Concord. Counsel's office is located in San Diego, and counsel

can represent Respondents fully and effectively at a procedural master calendar hearing through Webex. Allowing counsel to appear remotely would avoid unnecessary travel and expense without any effect on the Court's ability to conduct the hearing or on DHS's participation.

V. CONCLUSION

For the foregoing reasons, Respondents respectfully request that this Court:

(a) Accept this motion;

(b) Pending adjudication of Respondents' concurrently filed Motion to Change Venue, permit Respondents and undersigned counsel to appear by video (Webex) at the Master Calendar Hearing scheduled for November 6, 2026, at 1:00 p.m.;

(c) In the alternative, should the Court require Respondents to appear in person, permit undersigned counsel to appear by video (Webex) at that hearing; and

(d) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



_____

Otavio Silva (Bar N. 343486)
Attorney at Law
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San Diego, CA 92169
Counsel for Respondents

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Nicolly Karine Lima Nicodemos	**File No. A. 216-541-472**

PROOF OF SERVICE

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

RESPONDENTS' MOTION FOR VIDEO APPEARANCE (WEBEX)

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	Office of the Principal Legal Advisor Department of Homeland Security Office of the Chief Counsel 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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Counsel for Respondent