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Non-detained

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
100 Montgomery Street, Suite 800
San Francisco, CA 94104**

_____)	
In the Matter of)	
)	
Jose Naen Romero Ponce)	File No. A. 244-443-536
Arely Anariba Padilla)	File No. A. 244-443-573
)	
In Removal Proceedings)	
_____)	

Immigration Judge: Visiting Judge 15 **Next Hearing Date:** January 22, 2027 at 8:30 AM.

RESPONDENTS' MOTION FOR SEVERANCE

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
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100 Montgomery Street, Suite 800
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RESPONDENTS' MOTION FOR SEVERANCE

The undersigned counsel hereby respectfully requests that this Court sever the case of Respondent Jose Naen Romero Ponce from the case of Respondent Arely Anariba Padilla, pursuant to the Immigration Court Practice Manual, Part II, Chapter 3.20(b), and, in support of this request, states as follows:

Respondents Jose Naen Romero Ponce and Arely Anariba Padilla are currently in consolidated removal proceedings, with their hearings being conducted jointly before this Court. Although consolidation may be appropriate when family members share common legal issues and relief pathways, the cases of these two Respondents present fundamentally distinct factual, legal, and procedural circumstances that warrant separate adjudication.

Respondent Jose Naen Romero Ponce is not a qualifying family member or derivative beneficiary of Arely Anariba Padilla's case. Ms. Anariba Padilla is Respondent's sister-in-law, a relationship that does not confer any derivative immigration benefit under the Immigration and Nationality Act. Under 8 U.S.C. §

1158(b)(3), derivative asylum benefits may be granted only to an asylee's spouse or unmarried child under twenty-one years of age. A sibling-in-law does not fall within any such protected category.

While it is true that both Respondents entered the United States together through the same port of entry and were processed jointly by immigration authorities upon arrival, this procedural coincidence does not create a legal nexus between their respective claims. Joint entry and joint processing are administrative facts that do not transform two legally distinct individuals into a family unit for purposes of consolidated immigration proceedings.

Respondent Jose Naen Romero Ponce has independently filed a Form I-589, Application for Asylum and for Withholding of Removal, supported by a personal declaration and country conditions evidence specific to his own circumstances and fear of persecution. His asylum claim is grounded in his individual experiences, personal history, and independent basis for protection, which are separate from any claim presented by Ms. Anariba Padilla. The merits, evidence, and litigation strategy of his case do not overlap with, depend upon, or benefit from consolidation with Ms. Anariba Padilla's proceedings.

Maintaining consolidation could therefore delay or complicate the individual handling of Mr. Romero Ponce. A separate proceeding will also promote a clearer administrative record. Respondent's case should be evaluated based on his own facts, evidence, immigration history, and potential forms of relief. Individual adjudication will avoid confusion between distinct requests and will allow this Court to assess his circumstances without commingling his proceedings with matters specific to the other Respondent.

Severance will not prejudice any party, neither Respondent's ability to pursue their respective claims will be impaired by separate proceedings. To the contrary, each Respondent will benefit from individualized attention to the particular facts and legal arguments that support their own case.

Accordingly, Respondent respectfully requests that this Court grant this Motion for Severance and order that the case of Jose Naen Romero Ponce (A 244-443-536) be severed from the case of Arely Anariba Padilla (A 244-443-573).

Respectfully,

Natalia Vieira Santanna (Bar N. 337502)
Attorney at Law
P.O. Box 7528
Oakland, CA 94601
Counsel for Respondent

Jose Naen Romero Ponce
Arely Anariba Padilla

File No. A. 244-443-536
File No. A. 244-443-573

Proof of Service

On this day, I, Natalia Vieira Santanna, served a copy of the following documents:

RESPONDENTS' MOTION FOR SEVERANCE

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 Chief Counsel P.O. Box 26449 San Francisco, CA 94126-644

by:

Through the EOIR Courts and Appeals System (ECAS), which will automatically send service notification to both parties that a new document has been filed.

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