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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

Thiales Marcos da Silva

In Removal Proceedings

File No. A. 231-444-445

Immigration Judge: Lauren M. Black

Next Hearing Date: September 1, 2026, at 01:30 PM

RESPONDENT'S MOTION FOR CONTINUANCE

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
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In the Matter of

Thiales Marcos da Silva

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File No. A. 231-444-445

RESPONDENT'S MOTION FOR CONTINUANCE

The Respondent, through undersigned counsel, respectfully requests a continuance of the upcoming Master Calendar Hearing currently scheduled for September 1, 2026 at 01:30 PM, and in support thereof states as follows:

NOTE TO THE COURT

Undersigned counsel respectfully brings to the Court's attention that this Motion was initially submitted on August 7, 2026, through the EOIR Case Portal. Upon review, counsel discovered that the uploaded PDF could not be opened. After contacting EOIR technical support, it was confirmed that the document was corrupted. Technical support instructed counsel to rescan the document, submit a new Motion for Continuance, and contact the Court to request that the corrupted filing be rejected.

Accordingly, counsel respectfully requests that the Court **reject the corrupted filing submitted on August 7, 2026, and accept this corrected filing in its place.**

I. PRELIMINARY PROCEDURAL POSTURE

Undersigned counsel entered an appearance in these proceedings on August 06, 2026. As this matter remains in its preliminary stages, counsel has not yet had a sufficient opportunity to review

the complete administrative record, develop the necessary factual record, or fully assess all potential avenues for relief available to the Respondent.

II. INTERRELATED PROCEEDINGS - RESPONDENT'S VAWA SELF-PETITION AND ADJUSTMENT APPLICATION

Respondent has a VAWA self-petition and related adjustment-of-status application that were received by U.S. Citizenship and Immigration Services ("USCIS"). USCIS issued Form I-797C, Notices of Action, in connection with these filings, bearing receipt numbers LIN2330651188 (I-360, Petition for Amerasian, Widower, or Special Immigrant) and LIN2330651221 (I-485, Application to Register Permanent Residence or Adjust Status). *See* Exhibit 1 e 2.

The filings include Respondent's Form I-360, VAWA self-petition as the spouse of a U.S. citizen, and a Form I-485, Application to Register Permanent Residence or Adjust Status, based on the VAWA self-petition.

Respondent's VAWA filings arise from his prior marriage to a U.S. citizen and are supported by evidence concerning the qualifying relationship, the bona fide nature of the marriage, and the battery and extreme cruelty suffered during the relationship.

These related USCIS proceedings are directly relevant to Respondent's removal proceedings because the adjudication of the Form I-360 may affect Respondent's eligibility to pursue adjustment of status and other available forms of relief.

However, given that counsel only recently assumed representation in this matter and that the next hearing is scheduled in less than one month, additional time is necessary to properly prepare Respondent's case.

Proceeding without allowing sufficient time for counsel to coordinate these related matters and fully assess their impact on Respondent's defense could prejudice Respondent's ability to pursue potentially available relief.

III. NEED FOR FACTUAL DEVELOPMENT AND RELIEF ANALYSIS

At this stage, counsel requires time to: (1) review the complete administrative record in these removal proceedings; (2) conduct a thorough factual investigation; (3) consult with Respondent regarding the facts of his case and available options; (4) gather any additional supporting

documentation; and (5) evaluate all potential forms of relief, including those arising from Respondent's pending VAWA self-petition.

Without sufficient time to complete these tasks, counsel cannot responsibly assess Respondent's eligibility for relief or make informed decisions regarding pleadings and strategy. Proceeding with the hearing on the current schedule would risk prejudicing the Respondent's ability to fully present his case before this Court.

IV. GOOD CAUSE EXISTS UNDER 8 C.F.R. § 1003.29

Pursuant to 8 C.F.R. § 1003.29, an Immigration Judge may grant a continuance for good cause shown.

Good cause exists here based on: (1) undersigned counsel's recent entry of appearance in these proceedings on August 6, 2026; (2) the limited time remaining before the scheduled hearing; (3) the absence of a developed evidentiary record in these removal proceedings; (4) the need to review and coordinate Respondent's pending VAWA self-petition and adjustment application before USCIS; and (5) the need to fully evaluate all potential forms of relief available to Respondent.

Granting a continuance will promote judicial efficiency, avoid inconsistent adjudications, and ensure that Respondent receives a full and fair opportunity to present his claims.

This Motion is filed in good faith and not for purposes of delay. Rather, it is necessary to ensure effective representation and the proper development of the record in a complex, interrelated proceedings.

WHEREFORE, Respondent respectfully requests that this Honorable Court grant a continuance of the Master Calendar Hearing to allow sufficient time for preparation, investigation, and coordination of related proceedings.

Respectfully,



Otavio Haverroth 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 I-360 - Petition for Amerasian,
Widower, or Special Immigrant**

Receipt Notice I-360 - Petition for Amerasian, Widower, or Special Immigrant	1-4
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**Exhibit 2: Receipt Notice I-485 - Application to Register
Permanent Residence or Adjust Status**

Receipt Notice I-485 - Application to Register Permanent Residence or Adjust Status	5-8
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**Exhibit 1: Receipt
Notice I-360 - Petition
for Amerasian,
Widower, or Special
Immigrant**

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number LIN2330651188		Case Type I360 - PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT
Received Date 08/25/2023	Priority Date	Petitioner A231 444 445 MARCOS DA SILVA, THIALES
Notice Date 09/29/2023	Page 1 of 2	Beneficiary A231 444 445 MARCOS DA SILVA, THIALES

HS LAW
c/o OTAVIO HAVERROTH SILVA
2443 FILLMORE ST APT 380 6120
SAN FRANCISCO CA 94115

Notice Type: Receipt Notice
Filing Fee Waived
Section: Self-Petitioning Spouse of Abusive U.S.C. or LPR

We have received the application or petition ("your case") listed above. This notice only shows that your case was filed on the "Received Date" listed above. It does NOT grant you any immigration status or immigration benefit, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available when you contact us about your case.

Contacting the Agency (Filings for Battered Spouses, Children, or Parents)

If your safe mailing address changes and you do not have an attorney of record or representative on your case, you must submit your address change in writing, with your signature, to the Vermont Service Center. Otherwise, you may not receive notice of action(s) taken on your case. If any other changes need to be made you also must contact the Vermont Service Center in writing. Please include what changes need to be made and your signature.

If any of the information in your notice is incorrect or you have questions about your case, you can reach USCIS at www.uscis.gov/contact, utilizing the available case inquiry options for "Inquiries for VAWA, T, and U Filings."

Nebraska Service Center
U.S. Citizenship & Immigration Services
P.O. Box 82521
Lincoln, NE 68501-2521

Contacting the Agency (All Other Filings)

If any of the above information is incorrect or if you have any questions about the status of your case, please call the USCIS National Customer Service Center (NCSC) at 1-800-375-5283 or visit the USCIS website at www.uscis.gov (if you are hearing impaired, the NCSC TDD number is 1-800-767-1833). If you call us, please have your Alien Registration Number (A-Number) and/or the receipt number shown above. The receipt number is a tracking number for your case and will help with inquiries.

Processing time - Processing times vary by case type. Go to www.uscis.gov to see the current processing times listed by case type and office.

- View your case status on our website's Case Status Online page.
- You can also sign up to receive free email updates as we process your case.
- During most of the time while your case is pending, the processing status will not change. This is because we are working on cases that were filed before your case.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.
- If you do not receive an initial decision or update from us within our current processing time, contact the NCSC at 1-800-375-5283 or visit our website at www.uscis.gov for options for submitting an inquiry.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country,
- A driver's license,
- A military photo ID, or
- A state-issued photo ID card.

If you receive more than one ASC appointment notice (even for different cases), take them both to the first appointment date.

Return of Original Documents - Use Form G-884, Request for the Return of Original Documents, to request the return of original documents submitted to establish eligibility for an immigration or citizenship benefit. You only need to submit one Form G-884 if you are requesting multiple documents contained in a single USCIS file. However, if the requested documentation is in more than one USCIS file, you must submit a separate request for each file. (For example: If you wish to obtain your mother's birth certificate and your parents' marriage certificate, both of which are in the USCIS file that pertains to her, submit one Form G-884 with your mother's information.)

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter



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Notice for Customers with Disabilities

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- 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.



Receipt Number LIN2330651188		Case Type I360 - PETITION FOR AMERASIAN, WIDOWER, OR SPECIAL IMMIGRANT
Received Date 08/25/2023	Priority Date	Petitioner A231 444 445 MARCOS DA SILVA, THIALES
Notice Date 09/29/2023	Page 2 of 2	Beneficiary A231 444 445 MARCOS DA SILVA, THIALES

NOTICE: The information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will follow the law in determining whether to provide you (and the legal representative listed on your Form G-28, if you submitted one) an opportunity to address that information before we make a formal decision on your case or start proceedings.

Applicants:

Name	DOB	COB	Class
MARCOS DA SILVA, THIALES	10/12/1990	BRAZIL	

Please see the additional information on the back. You will be notified separately about any other cases you filed.

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Lincoln NE 68501-2521

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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 2: Receipt
Notice I-485 -
Application to
Register Permanent
Residence or Adjust
Status**

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number LIN2330651221		Case Type I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS
Received Date 08/25/2023	Priority Date	Applicant A231 444 445 MARCOS DA SILVA, THIALES
Notice Date 09/29/2023	Page 1 of 2	Beneficiary A231 444 445 MARCOS DA SILVA, THIALES
HS LAW c/o OTAVIO HAVERROTH SILVA 2443 FILLMORE ST APT 380 6120 SAN FRANCISCO CA 94115		Notice Type: Receipt Notice Amount received: \$1225.00 U.S. Section: VAWA self-petitioner

We have received the application or petition ("your case") listed above. This notice shows that your case was filed on the "Received Date" listed above. It does NOT grant the beneficiary any immigration status, and it is not evidence that your case is still pending. We will notify you in writing when we make a decision on your case or if we need additional information.

Please save this and any other notices about your case for your records. You should also keep copies of anything you send us, as well as proof of delivery. Have these records available if you contact us about your case.

T/U Filings - If you were still in valid T or U nonimmigrant status on the date your Application to Register Permanent Residence or Adjust Status (Form I-485) was received, that status is extended until a decision is reached on your Form I-485. If your status was no longer valid by the date your Form I-485 was received, you will need to file an Application to Extend/Change Nonimmigrant Status (Form I-539) with this office to request an extension of your nonimmigrant status.

EMPLOYMENT AUTHORIZATION:

T-1, U-1, U-2, U-3, U-4, and U-5 nonimmigrants who timely filed Form I-485 are authorized to work in the United States incident to their status while their Application to Register Permanent Residence or Adjust Status (Form I-485) is pending. Your Form I-485 was timely filed if the "Received Date" on this form is on or before your Form I-94 expiration date.

The following documents are acceptable as evidence of your employment authorization for Form I-9, Employment Eligibility Verification:

- If you are a T-1 nonimmigrant, the combination of this receipt notice and your Form I-94 shows employment authorization for **two years** from the expiration date of your Form I-94.
- If you are a U-1, U-2, U-3, U-4, or U-5 nonimmigrant, the combination of this receipt notice and your Form I-94 shows employment authorization for **one year** from the expiration date of your Form I-94.
- NOTE: While the document combinations above are acceptable for Form I-9 purposes as evidence of your employment authorization, if you are a T-1, U-1, U-2, U-3, U-4 or U-5, nonimmigrant with a pending Form I-485, you may also apply for an Employment Authorization Document (EAD), pursuant to 8 CFR 274a.12(c)(9) by submitting an Application for Employment Authorization (Form I-765) to this office. The EAD is acceptable evidence of your employment authorization and identity for Form I-9.
- If you are a T-2, T-3, T-4, T-5, or T-6 nonimmigrant, you must have a valid, unexpired EAD to be eligible to work, including while your derivative T nonimmigrant status is extended and while your Form I-485 is pending. To obtain an EAD, you must submit an Application for Employment Authorization (Form I-765) to this office. This receipt notice and your Form I-94 are not acceptable evidence for I-9 purposes to show employment authorization.

If your Form I-485 is denied or withdrawn, your automatic extension of T or U nonimmigrant status immediately terminates. Additionally, if you are a T-1, U-1, U-2, U-3, U-4, or U-5 nonimmigrant, your employment authorization immediately terminates, and you will no longer be authorized for employment based on your extended T or U nonimmigrant status, and you may not provide this receipt notice with your Form I-94 for Form I-9 purposes.

If you have already filed a Form I-765, the decision on your application will be sent under separate cover.

DEPARTING FROM THE UNITED STATES:

If you plan to depart the United States, you must obtain permission to return to the United States by requesting advance parole before you leave. If you do not obtain advance parole before your departure, you will be considered to have abandoned your application for adjustment of status and the application will be denied. Please see 8 CFR section 245.23(j), for T adjustment of status applications, and section 245.24(j), for U adjustment of status applications. In addition, you may be unable to re-enter the United States, or you may be placed in removal proceedings before an Immigration Judge. You may apply for advance parole by submitting an Application for Travel Document (Form I-131) to this office. If you have already filed a Form I-131, the decision on your application will be sent under separate cover.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

Nebraska Service Center
U.S. CITIZENSHIP & IMMIGRATION SVC
P.O. Box 82521
Lincoln NE 68501-2521

USCIS Contact Center: www.uscis.gov/contactcenter



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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.

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Notice Date 09/29/2023	Page 2 of 2	Beneficiary A231 444 445 MARCOS DA SILVA, THIALES

If any of the information in your notice is incorrect or you have any questions about your case, you can connect with the USCIS Contact Center at www.uscis.gov/contact or ask about your case online at www.uscis.gov/e-request. You will need your Alien Registration Number (A-Number) and/or the receipt number shown above.

If you have T or U nonimmigrant status, you can connect with USCIS using the available case inquiry options on the Victims of Trafficking and Other Crimes website here: <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes>

You can also receive updates on your case by visiting www.uscis.gov/casestatus to get the latest status or you can create an account at my.uscis.gov/account and receive email updates for your case.

Processing time - Processing times vary by form type.

- Visit www.uscis.gov/processingtimes to see the current processing times by form type and field office or service center.
- If you do not receive an initial decision or update within our current processing time, you can try our online tools available at www.uscis.gov/tools or ask about your case online at www.uscis.gov/e-request.
- When we make a decision on your case or if we need something from you, we will notify you by mail and update our systems.

Biometrics - We require biometrics (fingerprints, a photo, and a signature) for some types of cases. If we need biometrics from you, we will send you a SEPARATE appointment notice with a specific date, time and place for you to go to a USCIS Application Support Center (ASC) for biometrics processing. You must wait for that separate appointment notice and take it (NOT this receipt notice) to your ASC appointment along with your photo identification. Acceptable kinds of photo identification are:

- A passport or national photo ID issued by your country.
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- A military photo ID, or
- A state-issued photo ID card.

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If your address changes - If you move while your case is pending, please visit www.uscis.gov/addresschange for information on how to update your address. Remember to update your address for all your receipt numbers.

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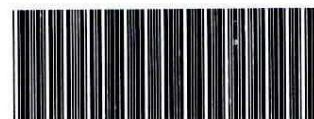
NOTICE: Under the INA, the information you provide on and in support of applications and petitions is submitted under the penalty of perjury. USCIS and the U.S. Department of Homeland Security reserve the right to verify this information before and/or after making a decision on your case so we can ensure that you have complied with applicable laws, rules, regulations, and other legal authorities. We may review public information and records, contact others by mail, the internet or phone, conduct site inspections of businesses and residences, or use other methods of verification. We will use the information obtained to determine whether you are eligible for the benefit you seek. If we find any derogatory information, we will provide you and the legal representative listed on your Form G-28 an opportunity to address that information before we make a formal decision on your case or start proceedings.

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Proof of Service

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

RESPONDENTS' MOTION FOR CONTINUANCE

To the following:

Office Location: Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 800 San Francisco, CA 94104	Mailing Address: US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor P.O. Box 26449 San Francisco, CA 94126-644
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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 Haverroth Silva (Bar N. 343486)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
Counsel for Respondent