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San Diego, CA 92169
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Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
880 Front Street, Suite 4240
San Diego, CA 92101

In the Matter of	)	
Manuella Guasti Fernandes	)	**File No. A.236-718-835**
In Removal Proceedings	)	

Immigration Judge: **Penalosa, Jose L., JR.** Next Hearing Date: **October 19, 2023 at 8:30AM**

RESPONDENT'S MOTION TO CONTINUE

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
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880 Front Street, Suite 4240
San Diego, CA 92101

In the Matter of	)	
Manuella Guasti Fernandes	)	**File No. A.236-718-835**
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RESPONDENT'S MOTION TO CONTINUE

COMES NOW, Otavio Haverroth Silva, counsel for the above-referenced Respondent, and respectfully moves this Court pursuant to 8 C.F.R. § 1003.29 to continue the Master Calendar Hearing scheduled for October 19, 2026, for a period of approximately ninety days, pending adjudication by U.S. Citizenship and Immigration Services ("USCIS") of the Form I-130, Petition for Alien Relative, filed on Respondent's behalf by her United States citizen spouse.

Respondent was inspected and admitted to the United States and is the spouse of a United States citizen. She is therefore statutorily eligible to apply for adjustment of status under section 245(a) of the Immigration and Nationality Act ("INA"). The only step that stands between Respondent and that relief is the adjudication of the pending visa petition — a matter entirely within the control of USCIS, and one to which Respondent has already contributed

everything asked of her. The evidentiary record before USCIS is complete, and the petition awaits decision.

Good cause exists for the requested continuance.

II. PROCEDURAL AND FACTUAL BACKGROUND

Respondent is a 30-year-old native and citizen of Brazil. On March 29, 2024, she was inspected by an immigration officer and admitted at Los Angeles, California, as a B-2 nonimmigrant visitor, with authorization to remain until September 27, 2024. *See* Exhibit 1.

On September 26, 2024, one day before her authorized stay expired, Respondent timely filed a Form I-539, Application to Extend/Change Nonimmigrant Status (Receipt No. WAC2490161624). USCIS denied that application on February 28, 2025. *See* Exhibit 2.

On November 4, 2025, Respondent married Alina Carrie Grayeske, a United States citizen by birth. *See* Exhibit 3.

On April 1, 2026, Ms. Grayeske filed a Form I-130, Petition for Alien Relative, on Respondent's behalf (Receipt No. IOE0936280445), and Respondent concurrently filed a Form I-485, Application to Register Permanent Residence or Adjust Status (Receipt No. IOE0936280444). *See* Exhibits 4 and 5. Both remain pending.

Respondent has complied with every directive USCIS has issued to her. She appeared for the collection of her biometrics at the Application Support Center in Chula Vista, California, on May 1, 2026, as directed. See Exhibit 6. On July 13, 2026, Respondent and her spouse appeared together, as directed, for their interview at the USCIS field office at 1325 Front Street, San Diego, California. See Exhibit 7.

On August 7, 2026, Respondent was taken into custody by U.S. Immigration and Customs Enforcement and served with a Notice to Appear. The Notice to Appear designates Respondent as a noncitizen who "has been admitted to the United States" and charges her under a single ground of removability: section 237(a)(1)(B) of the Act, as a nonimmigrant who remained beyond her authorized period of stay. *See* Exhibit 8. DHS has alleged no criminal conduct and no other ground of removability.

On August 10, 2026, USCIS issued a Request for Evidence on the Form I-130, with a response deadline of November 2, 2026. *See* Exhibit 9.

On August 17, 2026, this Court granted a continuance of the initial Master Calendar Hearing. At that time Respondent was detained and had only recently retained undersigned counsel, who had not yet had a meaningful opportunity to consult with her or to obtain the record. The present Motion rests on an entirely different ground.

On August 20, 2026, following a custody redetermination hearing, Respondent was ordered released and was released from custody. Venue was thereafter changed to this Court. The bond proceedings are concluded.

Respondent did not use the time USCIS allowed her. The Request for Evidence carried a response deadline of November 2, 2026. Respondent's response was prepared and mailed to the USCIS San Diego Field Office by USPS Priority Mail on September 3, 2026 — nearly two months before that deadline. *See* Exhibit 10 (USPS shipping record, Tracking No. 9405 5301 0935 5412 8762 21). USCIS confirmed receipt on September 10, 2026, and advised that it "has begun working on [the] case again" and will issue a decision or notify Respondent if anything further is required. *See* Exhibit 11. Nothing further is required of the Respondent.

Respondent has no criminal convictions and no criminal arrests, in the United States or in any other country. She has never previously been in removal proceedings, has never been ordered removed, and has never failed to appear for any hearing, interview, or appointment. She resides with her United States citizen spouse at 4912 Muir Avenue, Apartment 5, San Diego, California 92107.

III. LEGAL STANDARD

An Immigration Judge "may grant a motion for continuance for good cause shown." 8 C.F.R. § 1003.29. Good cause is a substantive requirement that limits the discretion of Immigration Judges and prohibits them from granting continuances for any reason or no reason at all. Matter of L-A-B-R-, 27 I&N Dec. 405, 407 (A.G. 2018).

Where, as here, a respondent seeks a continuance to await adjudication of a visa petition that would render her prima facie eligible for adjustment of status, the governing framework is that set out in *Matter of Hashmi*, 24 I&N Dec. 785 (BIA 2009). The factors the Court considers include: the DHS response to the motion; whether the underlying visa petition is prima facie approvable; the respondent's statutory eligibility for adjustment of status;

whether the respondent's application for adjustment merits a favorable exercise of discretion; and the reason for the continuance and other procedural factors. Id. at 790.

The focus of the inquiry is the apparent ultimate likelihood of success on the adjustment application. Id.; accord *Matter of Rajah,* 25 I&N Dec. 127, 130, 136 (BIA 2009). *L-A-B-R-* preserved this framework while clarifying its emphasis: the Immigration Judge must consider primarily the likelihood that the collateral relief will be granted and that it will materially affect the outcome of the removal proceedings. 27 I&N Dec. at 413. The Attorney General identified relevant secondary considerations, which may include the respondent's diligence in seeking the collateral relief, DHS's position on the motion, the length of the continuance requested, the number of hearings held and continuances previously granted, and concerns of administrative efficiency. Id. at 413, 415–16.

IV. ARGUMENT

Each factor identified in *Hashmi* supports the requested continuance.

A. The Form I-130 Is Prima Facie Approvable and Fully Submitted

Ms. Grayeske is a United States citizen by birth. *See* Exhibit 3. She and Respondent are lawfully married, and their marriage is documented by a certified marriage certificate issued by San Diego County. The petition was properly filed on April 1, 2026 and has been pending for more than five months.

USCIS issued a Request for Evidence, and Respondent answered it. The critical point is not merely that she answered, but when and how. USCIS gave her until November 2, 2026. She did not take that time: her response was mailed on September 3, 2026 and received by USCIS on September 10, 2026, nearly two months before the deadline, and USCIS has stated that it has resumed work on the petition. *See* Exhibits 10 and 11.

A Request for Evidence is neither a denial nor a Notice of Intent to Deny. USCIS has made no adverse determination on this petition. What the record now shows is a fully submitted petition, complete on both sides, awaiting only the agency's decision. There is no step remaining for the Respondent to take.

The Board has long held that "discretion should, as a general rule, be favorably

exercised where a prima facie approvable visa petition and adjustment application have been submitted." *Matter of Garcia*, 16 I&N Dec. 653, 656–57 (BIA 1978), modified on other grounds, *Matter of Arthur*, 20 I&N Dec. 475 (BIA 1992); *see Matter of Rajah*, 25 I&N Dec. at 135. Both have been submitted here.

B. Respondent Is Statutorily Eligible for Adjustment of Status

Respondent was inspected and admitted to the United States as a B-2 nonimmigrant. That fact is not in dispute; DHS alleged it in the Notice to Appear and charged her accordingly under section 237(a)(1)(B) of the Act. *See* Exhibit 8. She is therefore a noncitizen who "was inspected and admitted or paroled into the United States" within the meaning of INA § 245(a).

As the spouse of a United States citizen, Respondent is an immediate relative under INA § 201(b), and a visa number is immediately available to her upon approval of the petition. Immediate relatives are expressly exempt from the bar at INA § 245(c)(2) for failure to maintain lawful status. Respondent's overstay — the sole ground of removability alleged — therefore does not bar the relief she seeks.

Upon approval of the Form I-130, Respondent will be immediately eligible to pursue adjustment of status before this Court. Jurisdiction over her Form I-485 lies with the Immigration Court now that a charging document has been filed. 8 C.F.R. § 1245.2(a)(1)(i); *see Matter of Rajah*, 25 I&N Dec. at 132. The relief is therefore not speculative: it is a defined form of relief, available in this forum, contingent on a single agency decision already in progress.

C. Adjustment of Status Would Merit a Favorable Exercise of Discretion

Respondent has no criminal history of any kind. She has never been arrested or charged with an offense in the United States or in Brazil.

Her record of compliance with immigration authorities is not merely unblemished but affirmatively documented. She filed her Form I-539 before her authorized stay expired rather than simply remaining without applying. *See* Exhibit 2. She appeared for biometrics when directed. *See* Exhibit 6. She appeared for her adjustment interview when directed. *See* Exhibit 7. She answered the Request for Evidence nearly two months early. *See* Exhibits 10 and 11.

She has never failed to appear for any immigration hearing, interview, or appointment.

Respondent resides with her United States citizen spouse at a fixed address in San Diego, and she has substantial ties to her community. Nothing in the record suggests any basis for an adverse exercise of discretion.

D. The Reason for the Continuance and the Procedural Posture Favor the Request

The reason for this request is narrow and verifiable: a single agency adjudication, already underway, that will determine whether Respondent is eligible for the relief she seeks. This is not an open-ended request to defer proceedings indefinitely. Respondent asks for approximately ninety days, a period tied to a concrete and identifiable event.

Respondent has been diligent at every stage. She has caused no delay in these proceedings. She filed her adjustment applications before the Notice to Appear issued, not after. She answered the Request for Evidence well ahead of the deadline USCIS set. Under *L-A-B-R-*, the respondent's diligence is a proper consideration, and it weighs entirely in Respondent's favor here. That diligence is documented rather than merely asserted: the postal record establishes the date of mailing, and USCIS's own case status confirms the date of receipt. *See* Exhibits 10 and 11.

This Court has granted one prior continuance, on August 17, 2026. That continuance rested on different grounds — Respondent was then detained, and counsel had only recently been retained. The ground now advanced did not exist at that time: the Request for Evidence had been issued only one week earlier, and the response would not be submitted for another month. The present request is the first continuance sought on the basis of the pending visa petition.

In any event, a prior continuance is not disqualifying. As the Attorney General explained, a respondent who makes a compelling showing on the collateral relief "may receive a continuance even if, for instance, he has already received previous continuances." *Matter of L-A-B-R-*, 27 I&N Dec. at 417 (citing *Merchant v. U.S. Att'y Gen.*, 461 F.3d 1375, 1378 (11th Cir. 2006), which vacated the denial of a continuance to a noncitizen who had "successfully completed all actions required by [the INA] to be performed by him"). Respondent has

likewise completed every action required of her.

Proceeding to pleadings and to a merits calendar before the Form I-130 is adjudicated would serve no purpose. If the petition is approved, Respondent will pursue adjustment of status before this Court and the posture of the case will be settled. If it is denied, the parties and the Court will know that as well, and the case can proceed accordingly. Either way, the adjudication clarifies the matter; setting an individual hearing now would commit the Court's and the parties' resources to a schedule that the agency's decision may shortly render inapt.

E. Position of the Department of Homeland Security

On September 23, 2026, undersigned counsel contacted the Office of the Principal Legal Advisor to ascertain the Department's position on this Motion. On September 24, 2026, the Department responded that it opposes the Motion. The Department did not state a ground for its opposition. *See* Exhibit 12.

Respondent does not contend that the Department bears any burden here. The burden of establishing a good cause rests with the Respondent, and she does not ask this Court to shift it. *See Matter* of L-A-B-R-, 27 I&N Dec. at 416. Respondent notes only that the Department's position, like its consent would be, is not controlling: an Immigration Judge "need not treat as controlling DHS's consent to, opposition to, or failure to take a position on a motion for continuance." Id. Section 1003.29 imposes a good-cause requirement that must be satisfied for each and every continuance requested, and the regulation contains no exception either for unopposed motions or for opposed ones. Id.

The good-cause inquiry therefore turns, as it must, on the primary considerations: the likelihood that the collateral relief will be granted and that it will materially affect the outcome of these proceedings. Id. at 413. The Department's one-line opposition does not address either. It does not contend that the Form I-130 is not prima facie approvable, that the marriage is not bona fide, that Respondent is statutorily ineligible for adjustment, that she has been dilatory, or that ninety days is unreasonable. The Attorney General contemplated that an Immigration Judge may find good cause lacking where "**DHS justifiably opposes the motion**," id. at 412 (emphasis added) — a formulation that presupposes some articulated basis against which the Court can weigh the request. Respondent has no such basis to answer here, and respectfully

submits that an opposition which engages none of the governing factors cannot displace a record that satisfies all of them.

On that record there is nothing in dispute. Respondent was inspected and admitted — DHS alleged as much in its own Notice to Appear. She is married to a United States citizen. The Form I-130 has been pending since April 1, 2026, the Request for Evidence has been answered, and USCIS has confirmed that it has resumed adjudication. Good cause is established on the merits of this Motion.

V. CONCLUSION

Respondent entered the United States lawfully, has no criminal history, is married to a United States citizen, and is statutorily eligible for adjustment of status. She has done everything the government has asked of her, and done it early. The single remaining question — whether her visa petition will be approved — rests with USCIS, which has confirmed that it is working on the case.

Good cause exists under 8 C.F.R. § 1003.29. WHEREFORE, Respondent respectfully requests that this Court continue the Master Calendar Hearing scheduled for October 19, 2026 for a period of approximately ninety days, or to such other date as the Court deems appropriate, pending adjudication of the Form I-130 filed on Respondent's behalf.

Respectfully submitted,



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	
Manuela Guasti Fernandes' Form I-94, Arrival/Departure Record	1
Exhibit 2	
USCIS Case Status confirmation for Form I-539, Application to Extend/Change Nonimmigrant Status (Receipt No. WAC2490161624), reflecting that USCIS denied the application on February 28, 2025	2
Exhibit 3	
Certified Marriage Certificate of Manuella Guasti Fernandes and Alina Carrie Grayeske, San Diego County, November 4, 2025, and evidence of Ms. Grayeske's United States citizenship	3
Exhibit 4	
USCIS receipt notice for Form I-130, Petition for Alien Relative (Receipt No. IOE0936280445), filed April 1, 2026	4
Exhibit 5	
USCIS receipt notice for Form I-485, Application to Register Permanent Residence or Adjust Status (Receipt No. IOE0936280444), filed April 1, 2026	5-6
Exhibit 6	
Biometrics Appointment Notice	7-8
Exhibit 7	
USCIS Request for Applicant to Appear for Initial Interview, dated June 5, 2026, directing Respondent	9-10

and her spouse to appear on July 13, 2026

Exhibit 8

Form I-862, Notice to Appear, served August 7, 2026, charging Respondent under INA § 237(a)(1)(B) and designating her as a noncitizen who has been admitted to the United States	11-12

Exhibit 9

USCIS Request for Evidence on Form I-130, dated August 10, 2026, with a response deadline of November 2, 2026	13-19

Exhibit 10

USPS Priority Mail shipping record dated September 3, 2026 (Tracking No. 9405 5301 0935 5412 8762 21), reflecting the mailing of Respondent's response to the Request for Evidence to the USCIS San Diego Field Office	20

Exhibit 11

USCIS Case Status confirmation, printed September 11, 2026, reflecting that USCIS received Respondent's response to the Request for Evidence on September 10, 2026 and has resumed adjudication of the Form I-130.	21

Exhibit 12

Correspondence with the Office of the Principal Legal Advisor regarding the Department's position on this Motion.	22-24

Exhibit 1

View Travel History

Travel history includes up to 100 arrivals and departures spanning the last ten years

Travel History Results

Document Number: **GB982081**

Document Country of Issuance: **Brazil**

Row	DATE	TYPE	LOCATION
1	2024-03-29	Arrival	LOS
2	2023-12-06	Departure	HOU
3	2023-07-04	Arrival	FTL

OMB No. 1651-0111 Expiration Date: 08/31/2026

Exhibit 2

An official website of the United States government Here's how you know

Español | Multilingual Resources

U.S. Citizenship and Immigration Services

Case Status Online

Case Was Denied

On February 28, 2025, we denied your Form I-539, Application To Extend/Change Nonimmigrant Status, Receipt Number WAC2490161624. We sent you a denial notice that explains why we denied your case and your options. Please follow the instructions in the notice. If you do not receive your denial notice by March 15, 2025, please go to www.uscis.gov/e-request to request a copy of the notice. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Enter Another Receipt Number

Error: Please enter an application receipt number.

EAC1234567890

Check Status

Already have an Account? Login

Case Status Online account logins will now be routed through the MyAccount service. Existing account holders can find updated login instructions here.

Exhibit 3

STATE OF CALIFORNIA
CERTIFICATION OF VITAL RECORD

COUNTY OF SAN DIEGO

JORDAN Z. MARKS
ASSESSOR/RECORDER/COUNTY CLERK

LICENSE AND CERTIFICATE OF MARRIAGE

MUST BE LEGIBLE – MAKE NO ERASURES, WHITEOUTS, OR OTHER ALTERATIONS
USE DARK INK ONLY

STATE FILE NUMBER

4202537018161
LOCAL REGISTRATION NUMBER

FIRST PERSON DATA ☐ Groom ☒ Bride

1A FIRST NAME	1B MIDDLE
MANUELLA	–

1C CURRENT LAST	1D LAST NAME AT BIRTH (IF DIFFERENT THAN 1C)
GUASTI FERNANDES	–

2 DATE OF BIRTH (MM/DD/CCYY)	3 STATE/COUNTRY OF BIRTH	4 #PREV MARRIAGES/SRDP	5A LAST MARRIAGE/SRDP ENDED BY	5B DATE ENDED (MM/DD/CCYY)
03/04/1996	BRAZIL	00	☐ DEATH ☐ DISSO ☐ ANNULMENT ☐ TERM SRDP ☒ N/A	–

6 ADDRESS	7 CITY	8 STATE/COUNTRY	9 ZIP CODE
4912 MUIR AVE #5	SAN DIEGO	CA	92107

10A FULL BIRTH NAME OF FATHER/PARENT	10B STATE OF BIRTH (IF OUTSIDE U S ENTER COUNTRY)
ADILSON APARECIDO FERNANDES	BRAZIL

11A FULL BIRTH NAME OF MOTHER/PARENT	11B STATE OF BIRTH (IF OUTSIDE U S ENTER COUNTRY)
ROSEMARY COPPO GUASTI	BRAZIL

SECOND PERSON DATA ☐ Groom ☒ Bride

12A FIRST NAME	12B MIDDLE
ALINA	CARRIE

12C CURRENT LAST	12D LAST NAME AT BIRTH (IF DIFFERENT THAN 12C)
GRAYESKE	POULTON

13 DATE OF BIRTH (MM/DD/CCYY)	14 STATE/COUNTRY OF BIRTH	15 # PREV MARRIAGES/SRDP	16A LAST MARRIAGE/SRDP ENDED BY	16B DATE ENDED (MM/DD/CCYY)
08/08/1986	CA	01	☐ DEATH ☒ DISSO ☐ ANNULMENT ☐ TERM SRDP ☐ N/A	04/08/2016

17 ADDRESS	18 CITY	19 STATE/COUNTRY	20 ZIP CODE
4912 MUIR AVE #5	SAN DIEGO	CA	92107

21A FULL BIRTH NAME OF FATHER/PARENT	21B STATE OF BIRTH (IF OUTSIDE U S ENTER COUNTRY)
WILLIAM ROBERT POULTON III	CA

22A FULL BIRTH NAME OF MOTHER/PARENT	22B STATE OF BIRTH (IF OUTSIDE U S ENTER COUNTRY)
DONNA LOUIS HOWELL	AZ

AFFIDAVIT

WE, THE UNDERSIGNED DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT WE ARE UNMARRIED AND THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. WE FURTHER DECLARE THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR TO THE ISSUANCE OF A LICENSE IS KNOWN TO US. WE ACKNOWLEDGE RECEIPT OF THE INFORMATION REQUIRED BY FAMILY CODE SECTION 358 AND HEREBY APPLY FOR A LICENSE AND CERTIFICATE OF MARRIAGE

23 SIGNATURE OF PERSON LISTED IN FIELDS 1A-1D	24 SIGNATURE OF PERSON LISTED IN FIELDS 12A-12D
▶	▶

LICENSE TO MARRY

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ABOVE-NAMED PARTIES TO BE MARRIED HAVE PERSONALLY APPEARED BEFORE ME, OR THE PERSON PERFORMING THE CEREMONY HAS PERSONALLY APPEARED BEFORE ME AND PRESENTED AN AFFIDAVIT SIGNED BY THE PARTIES TO BE MARRIED DECLARING THAT ONE OR BOTH OF THE PARTIES ARE PHYSICALLY UNABLE TO APPEAR AND EXPLAINING THE REASONS THEREFOR IN ACCORDANCE WITH FAMILY CODE SECTION 426. THE PARTIES PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS CLAIMED, HAVE DECLARED THAT THEY MEET ALL OF THE REQUIREMENTS OF THE LAW, AND HAVE PAID THE FEES PRESCRIBED BY LAW. AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF CALIFORNIA TO SOLEMNIZE THE MARRIAGE OF THE ABOVE-NAMED PERSONS. REQUIRED CONSENTS AND AFFIDAVITS FOR THE ISSUANCE OF THIS LICENSE ARE ON FILE.

25A ISSUE DATE (MM/DD/CCYY)	25B EXPIRES AFTER (MM/DD/CCYY)	25C NAME OF COUNTY CLERK	25D SIGNATURE OF CLERK OR DEPUTY CLERK
11/04/2025	02/02/2026	JORDAN Z. MARKS	BY ▶ TIFFANI HOOD

25E MARRIAGE LICENSE NUMBER	25F COUNTY OF ISSUE	25G RETURN COMPLETED MARRIAGE LICENSE TO (INCLUDE ADDRESS)
2025-021305	SAN DIEGO	San Diego County Clerk, 1600 Pacific Hwy Ste 273, San Diego, CA 92101-2422

WITNESS(ES) (ONE REQUIRED, NO MORE THAN TWO ALLOWED)

26A SIGNATURE OF WITNESS	26B NAME OF PERSON WITNESSING MARRIAGE (TYPE OR PRINT CLEARLY)
	ANDRES CERVANTES

26C ADDRESS, CITY, STATE/COUNTRY, AND ZIP CODE
4912 MUIR AVE #5, SAN DIEGO, CA 92107

27A SIGNATURE OF WITNESS	27B NAME OF PERSON WITNESSING MARRIAGE (TYPE OR PRINT CLEARLY)

27C ADDRESS, CITY, STATE/COUNTRY, AND ZIP CODE

CERTIFICATION OF PERSON SOLEMNIZING MARRIAGE

I, THE UNDERSIGNED, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA, THAT THE ABOVE-NAMED PARTIES WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF CALIFORNIA. NOTE: THE MARRIAGE CEREMONY MUST TAKE PLACE IN THE STATE OF CALIFORNIA.

28A DATE OF MARRIAGE (MM/DD/CCYY)	28B CITY/TOWN OF MARRIAGE	28C COUNTY OF MARRIAGE
11/04/2025	SAN DIEGO	SAN DIEGO

29A SIGNATURE OF PERSON SOLEMNIZING MARRIAGE	29B RELIGIOUS DENOMINATION (IF CLERGY)
▶ ERS	–

29C NAME OF PERSON SOLEMNIZING MARRIAGE (TYPE OR PRINT CLEARLY)	29D OFFICIAL TITLE
Elia Starke	DEPUTY MARRIAGE COMMISSIONER

29E ADDRESS, CITY, STATE/COUNTRY, AND ZIP CODE
1600 PACIFIC HWY STE 260, SAN DIEGO, CA 92101

NEW NAMES (IF ANY)

NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 1A-1D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE (SEE REVERSE FOR INFORMATION)

30A. FIRST – MUST BE SAME AS 1A	30B MIDDLE	30C. LAST
–	–	–

NEW MIDDLE AND LAST NAME OF PERSON LISTED IN 12A-12D (IF ANY) FOR USE UPON SOLEMNIZATION OF THE MARRIAGE (SEE REVERSE FOR INFORMATION)

31A FIRST – MUST BE SAME AS 12A	31B MIDDLE	31C LAST
ALINA	CARRIE	GUASTI

LOCAL REGISTRAR

32A NAME OF LOCAL REGISTRAR	32B SIGNATURE OF CLERK OR DEPUTY CLERK	32C DATE ACCEPTED FOR REGISTRATION
JORDAN Z. MARKS, Recorder/County Clerk	BY ▶ N. Agapito	NOV 05 2025

STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC HEALTH, OFFICE OF VITAL RECORDS

VS-117 (01/01/2010)

This is a true and exact reproduction of the document officially registered and placed on file in the office of the San Diego County Recorder/Clerk

Jordan Z. Marks

Dec 03, 2025

JORDAN Z. MARKS
Assessor/Recorder/County Clerk

This copy is not valid unless prepared on an engraved border displaying date, seal and signature of the Recorder/County Clerk

006041675

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

Exhibit 4

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE		NOTICE DATE
Receipt		April 06, 2026
CASE TYPE		USCIS ALIEN NUMBER
I-130, Petition for Alien Relative		
RECEIPT NUMBER	RECEIVED DATE	PAGE
IOE0936280445	April 01, 2026	1 of 1
PRIORITY DATE	PREFERENCE CLASSIFICATION	DATE OF BIRTH
April 01, 2026	201 B INA SPOUSE OF USC	August 08, 1986

ALINA C. GUASTI
4912 MUIR AVENUE APT 5
SAN DIEGO, CA 92107

36 00011581

APPLICANT/PETITIONER NAME AND MAILING ADDRESS

PAYMENT INFORMATION:

Application/Petition Fee:	$675.00
Total Amount Received:	$675.00
Total Balance Due:	$0.00

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

If this is an interview or biometrics appointment notice, please see the back of this notice for important information.

Exhibit 5

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.

NOTICE TYPE		NOTICE DATE
Receipt		April 06, 2026
CASE TYPE		USCIS ALIEN NUMBER
I-485, Application to Register Permanent Residence or Adjust Status		
RECEIPT NUMBER	RECEIVED DATE	PAGE
IOE0936280444	April 01, 2026	1 of 1
PRIORITY DATE	PREFERENCE CLASSIFICATION	DATE OF BIRTH
April 01, 2026	Spouse of a U.S. citizen	March 04, 1996

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

36 00011582

NAME AND MAILING ADDRESS

PAYMENT INFORMATION:

Application/Petition Fee:	$1,440.00
Total Amount Received:	$1,440.00
Total Balance Due:	$0.00

We have received your form and are currently processing the above case. 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

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.

Exhibit 6

ASC Appointment Notice

CASE TYPE	NOTICE DATE
I485 - APPLICATION TO REGISTER PERMANENT RESIDENCE OR ADJUST STATUS	04/10/2026

APPLICATION/PETITION/REQUEST NUMBER	USCIS A#	CODE
IOE0936280444	A236 718 835	3

ACCOUNT NUMBER	TCR	SERVICE CENTER	PAGE
025898800450		NBC	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:

1. **THIS APPOINTMENT NOTICE.** If you received multiple ASC notices, bring **all** notices to your first appointment, and
2. **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 ApplicantInformation 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: _____ FEET/INCHES **OR** _____ CENTIMETERS

WEIGHT: _____ POUNDS **OR** _____ 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

Exhibit 7

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.
- 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**

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 occured 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**

Exhibit 8

Uploaded on: 08/07/2026 at 11:21:54 PM (Pacific Daylight Time) Base City: OTM

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

DOB: 03/04/1996

Event No: SND2608000399

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: 403256496 FINS: 1334671594 File No: 236 718 835

In the Matter of:

Respondent: MANUELLA GUASTI FERNANDES currently residing at:

7488 Calzada De La Fuente San Diego, CALIFORNIA 92154 (619) 671-8700

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☐ You are an alien present in the United States who has not been admitted or paroled.

☒ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;

2. You are a native of BRAZIL and a citizen of BRAZIL;

3. You were admitted to the United States at Los Angeles on or about March 29, 2024, as a nonimmigrant Visitor for Pleasure with authorization to remain in the United States for a temporary period not to exceed September 27, 2024;

4. You remained in the United States beyond September 27, 2024, without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(1)(B) of the Immigration and Nationality Act (Act), as amended, in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154. OTAY MESA DETENTION CENTER

(Complete Address of Immigration Court, including Room Number, if any)

on August 21, 2026 (*Date*) at 8:00 am (*Time*) to show why you should not be removed from the United States based on the charge(s) set forth above.

VUONG PHAM - (A) SDDO

(Signature and Title of Issuing Officer)

Date: August 7, 2026 San Diego, CA

(City and State)

EOIR - 1 of 6

Uploaded on: 08/07/2026 at 11:21:54 PM (Pacific Daylight Time) Base City: OTM

Notice to Respondent

Alien Registration: This Notice to Appear serves as evidence of your alien registration pursuant to INA § 262. If you are 18 years or older, failure to carry this Notice to Appear, or other evidence of alien registration as provided in 8 C.F.R. § 264.1(b), on your person at all times is a criminal offense pursuant to INA § 264(e), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days.

Notification to the Department of Homeland Security (DHS) of Change of Address: All aliens aged 14 years or older, and all parents and legal guardians of aliens under the age of 14, must report a change of address to U.S. Citizenship and Immigration Services, a component of DHS, within 10 days of moving, pursuant to INA § 265(a). Failure to notify DHS of your change of address is a criminal offense pursuant to INA § 266(b), for which you may be subject to a criminal penalty of $5,000 and imprisonment of up to 30 days. More information is available online at **https://www.uscis.gov/addresschange.** **This obligation is in addition to your obligation to notify the Immigration Court of your change of address**.

Representation: If you choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to INA §§ 240(b)(4)(A) and 292. Unless you request otherwise in writing, no hearing will be scheduled earlier than 10 days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost is provided with this notice.

Conduct of the hearing: At your hearing you will be given the opportunity to admit or deny any or all of the allegations in this Notice to Appear, including that you are inadmissible or deportable. You will be advised by the immigration judge of any relief from removal for which you may appear eligible, including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge. At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross-examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at **www.uscis.gov/i-589**. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to INA § 208(a)(2)(B).

Notification to the Immigration Court of Change of Address: You are required to notify the Immigration Court, in writing, of your full mailing address and telephone number (if any). You must also immediately notify the Immigration Court whenever you change your address or telephone number during the course of this proceeding by using Form EOIR-33/IC, Change of Address/Contact Information Form. Notices of hearing will be mailed to this address. If you file a Form EOIR-33/IC with the Immigration Court, you must serve a copy on the ICE Office of the Principal Legal Advisor. If you change your address or telephone number during the course of this proceeding and do not submit Form EOIR-33/IC, the Immigration Court shall not be required to provide you with written notice of your hearing. **This obligation is in addition to your obligation to notify DHS of your change of address.**

Failure to Appear: If you fail to attend the hearing at the date, time, and place designated on this notice, or any date, time, or place later directed by the Immigration Court, the immigration judge shall order you removed in your absence upon determining that you were provided written notice and are removable. If you are arrested by ICE after being ordered removed in your absence by the immigration judge pursuant to INA § 240(b)(5), you will be required to pay a minimum fee of $5,000, adjusted for inflation, or a greater amount as established by the Secretary of Homeland Security.

Mandatory Duty to Depart the United States: If you become subject to a final order of removal as defined in 8 C.F.R. § 1241.1, you must depart the United States within 90 days of the order. If you do not depart, you may be subject to a civil penalty under INA § 274D(a) of $500 per day, adjusted for inflation, and imprisonment of up to 4 years (or 10 years if you belong to certain specified classes described in INA § 237(a)(1)(E), (2), (3), or (4)). If you are granted voluntary departure, you must comply with the terms of the voluntary departure order. If you fail to voluntarily depart within the time provided, you will be subject to a final order of removal, may be ineligible for certain immigration benefits for a period of 10 years from the date you overstayed the order, and may be subject to a civil penalty from $1,000 to $5,000, adjusted for inflation. For additional information, refer to the order granting voluntary departure, as well as INA § 240B(d).

Sensitive Locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in INA § 239(e)(1), such action complied with 8 U.S.C. § 1367.

EOIR – 2 of 6

Exhibit 9

August 10, 2026

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
P.O. Box 128338
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

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,



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

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:

- 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**
☐ **Additional Forms**
☐ **Other:**

DO NOT SEND ANY FEES TO THIS ADDRESS

(Select appropriate check box)

☐ **Applicant/Beneficiary**
☐ **Petitioner**

REQUEST FOR EVIDENCE

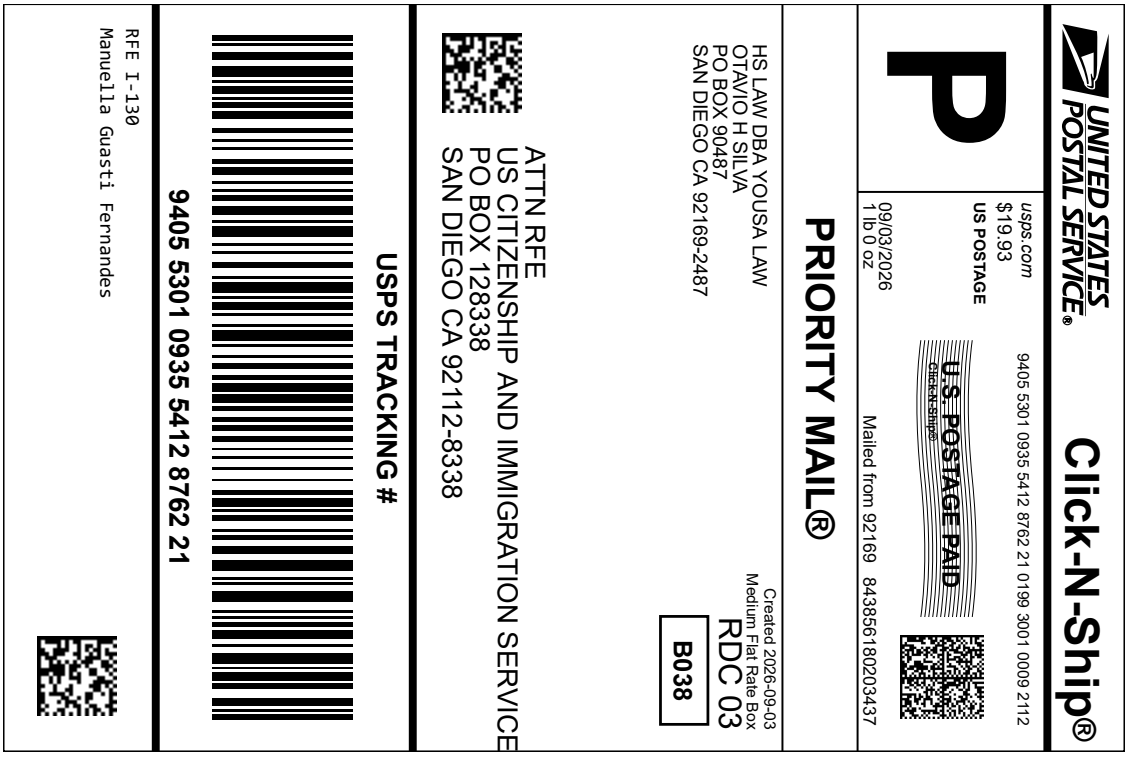
I-130 Petition for Alien Relative

IOE0936280445

GUASTI FERNANDES, MANUELLA
GUASTI, ALINA

A236-718-835

Exhibit 10



Cut on dotted line.

Instructions

1. **Please use a laser or laser-quality printer.**
2. **Adhere shipping label to package with tape or glue - DO NOT TAPE OVER BARCODE. Be sure all edges are secure. Self-adhesive label is recommended.**
3. **Place label so that it does not wrap around the edge of the package.**
4. **Each shipping label number is unique and can be used only once - DO NOT PHOTOCOPY.**
5. **Please use this shipping label on the "ship date" selected when you requested the label.**
6. **If a mailing receipt is required, present the article and Online e-Label Record at a Post Office for postmark.**

9405 5301 0935 5412 8762 21

Print Date:	**2026-09-03**	**PRIORITY MAIL®** **$19.93**
Ship Date:	**2026-09-03**	**Extra Services:** **$0.00**
		Fees: **$0.00**
		Total: **$19.93**

From: **HS LAW DBA YOUSA LAW**
OTAVIO H SILVA
PO BOX 90487
SAN DIEGO CA 92169-2487

To:
ATTN RFE
US CITIZENSHIP AND IMMIGRATION SERVICES SA
PO BOX 128338
SAN DIEGO CA 92112-8338

*** Commercial Pricing PRIORITY MAIL® rates apply. There is no fee for USPS Tracking® service on PRIORITY MAIL® service with use of this electronic rate shipping label. Refunds for unused postage paid labels can be requested online 30 days from the print date.**

Thank you for shipping with the United States Postal Service!
Check the status of your shipment on the USPS Tracking® page at usps.com

Exhibit 11

An official website of the United States government Here's how you know Español Multilingual Resources

U.S. Citizenship and Immigration Services

MENU

Case Status Online

Response To USCIS' Request For Evidence Was Received

On September 10, 2026, we received your response to our Request for Evidence for your Form I-130, Petition for Alien Relative, Receipt Number IOE0936280445. USCIS has begun working on your case again. We will send you a decision or notify you if we need something from you. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

Enter Another Receipt Number

EAC1234567890

Check Status

Already have an Account? Login

Case Status Online account logins will now be routed through the MyAccount service. Existing account holders can find updated login instructions here.

DHS PRIVACY NOTICE PAPERWORK REDUCTION ACT

Related Tools

Change of Address

Exhibit 12

YOUSA LAW FIRM

Liz Magda Teixeira de Almeida Seniuk <liz.seniuk@yousalaw.com>

Guasti Fernandes, Manuella — A236-718-835 — Position on Motion to Continue (MCH 10/19/2026)

2 mensagens

Otavio Silva <otavio@legalhs.com> 23 de setembro de 2026 às 18:07
Para: SND.Duty.Attorney@ice.dhs.gov
Cco: liz.seniuk@yousalaw.com

Dear Counsel:

I represent the respondent in the above-referenced matter, which is set for a Master Calendar Hearing on October 19, 2026 at 8:30 a.m. before Immigration Judge Penalosa at the San Diego Immigration Court.

Respondent was inspected and admitted as a B-2 nonimmigrant at Los Angeles on March 29, 2024 and is charged under INA § 237(a)(1)(B). She is married to a United States citizen. A Form I-130 (Receipt No. IOE0936280445) and a concurrently filed Form I-485 (Receipt No. IOE0936280444) have been pending since April 1, 2026. USCIS issued a Request for Evidence on the I-130 with a response deadline of November 2, 2026; Respondent's response was mailed on September 3, 2026, and USCIS confirmed receipt on September 10, 2026 and has resumed adjudication. Respondent has no criminal history.

I intend to file a motion to continue the October 19, 2026 hearing pending adjudication of the Form I-130. A draft of the motion is attached for your review. **Would the Department oppose that motion?**

I would be grateful for a response by October 2nd, 2026 so that I may accurately state the Department's position in the motion. If I do not hear from you, I will note in the filing that the Department's position was requested and not received as of the date of filing.

Thank you for your time.

Respectfully,

Otavio Haverroth Silva
California Bar No. 343486

H|S OTAVIO HAVERROTH SILVA
Attorney at Law
+1 (510) 241-9336
www.legalhs.com

Motion for continuance Manuella Guasti Fernandes A236-718-835.pdf
214K

Otavio Silva <otavio@legalhs.com> 24 de setembro de 2026 às 15:54
Para: Liz Magda Teixeira de Almeida Seniuk <liz.seniuk@yousalaw.com>, Thais Oliveira <thais.oliveira@yousalaw.com>

H|S OTAVIO HAVERROTH SILVA
Attorney at Law
+1 (510) 241-9336
www.legalhs.com

---------- Forwarded message ---------
From: **SND Duty Attorney** <SND.Duty.Attorney@ice.dhs.gov>
Date: Wed, Sep 23, 2026 at 6:41 PM
Subject: RE: Guasti Fernandes, Manuella — A236-718-835 — Position on Motion to Continue (MCH 10/19/2026)
To: Otavio Silva <otavio@legalhs.com>, SND Duty Attorney <SND.Duty.Attorney@ice.dhs.gov>

Hello:

The Department opposes the motion to continue.

Regards,

Alvin S. Ratana

Counsel

Southwest Border

Office of the Principal Legal Advisor

U.S. Immigration and Customs Enforcement

U.S. Department of Homeland Security

(619) 436-0277

*** Warning *** Attorney/Client Privilege *** Attorney Work Product ***

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From: Otavio Silva <otavio@legalhs.com>
Sent: Wednesday, September 23, 2026 2:08 PM
To: SND Duty Attorney <SND.Duty.Attorney@ice.dhs.gov>
Subject: Guasti Fernandes, Manuella — A236-718-835 — Position on Motion to Continue (MCH 10/19/2026)

You don't often get email from otavio@legalhs.com. Learn why this is important

CAUTION: This email originated from outside of DHS. DO NOT click links or open attachments unless you recognize and/or trust the sender. Please use the Cofense Report Phishing button to report. If the button is not present, click here and follow instructions.

Dear Counsel:

I represent the respondent in the above-referenced matter, which is set for a Master Calendar Hearing on October 19, 2026 at 8:30 a.m. before Immigration Judge Penalosa at the San Diego Immigration Court.

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I would be grateful for a response by October 2nd, 2026 so that I may accurately state the Department's position in the motion. If I do not hear from you, I will note in the filing that the Department's position was requested and not received as of the date of filing.

Thank you for your time.

Respectfully,

Otavio Haverroth Silva
California Bar No. 343486

Manuella Guasti Fernandes **File No. A 236-718-835**

PROOF OF SERVICE

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

RESPONDENT'S MOTION TO CONTINUE

To the following:

Office Location:	**Mailing Address:**
Office of the Principal Legal Advisor Department of Homeland Security 880 Front Street, Suite 2246 San Diego, CA 92101	Office of the Principal Legal Advisor Department of Homeland Security Office of the Chief Counsel 880 Front Street, Suite 2246 San Diego, CA 92101

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