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Non-Detained

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
900 Market Street, Suite 504
Philadelphia, PA 19107**

_____))
In the Matter of))
))
Joao Lucas Rocha Silveira) **File No. A 220-350-514**
))
In Removal Proceedings))
_____))

**RESPONDENT'S MOTION TO REOPEN PROCEEDINGS AND RESCIND IN
ABSENTIA REMOVAL ORDER**

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I. INTRODUCTION

Respondent, João Lucas Rocha Silveira (A# 220-350-514), also known as “Graziela Rocha Silveira,” respectfully moves this Honorable Court, pursuant to INA § 240(b)(5)(C)(ii), 8 U.S.C. § 1229a(b)(5)(C)(ii), and 8 C.F.R. § 1003.23(b)(4)(ii), to rescind the *in absentia* removal order entered on June 22, 2022, and reopen these proceedings. This motion rests on two independent grounds.

First, Respondent never received constitutionally adequate notice of the hearing at which she was ordered removed. The initial Notice to Appear (“NTA”) was served by regular mail—addressed to the Eloy Detention Center from which Respondent had already been released—and Respondent attests she never received it. Moreover, the operative Notice of Hearing was subsequently mailed to the same detention facility, and was returned to the Immigration Court marked “*RETURNED TO SENDER—DETAINEE RELEASED.*” Because the Government cannot demonstrate that the required written notice under INA § 239(a) was provided, rescission is mandatory under INA § 240(b)(5)(C)(ii). *See* Exhibits 1–5.

Second, even if this Court were to find notice sufficient—which Respondent expressly denies—reopening is independently warranted based on extraordinary circumstances: Respondent now presents as a transgender woman and has undergone gender transition in the United States,

opening a new and previously unavailable basis for asylum relief. Respondent also married a United States citizen after the *in absentia* order was entered, creating a path to lawful status through adjustment of status that would be foreclosed absent reopening. These changed personal circumstances constitute exceptional grounds for sua sponte reopening or, in the alternative, statutory reopening based on newly available relief.

Note on identity and pronouns: Respondent's legal name remains João Lucas Rocha Silveira, as no legal name change has yet been obtained. Respondent is a transgender woman who is also known as Graziela and uses she/her pronouns. Counsel respectfully uses female pronouns throughout this motion. References in the record to Respondent's legal name or to male pronouns reflect only the state of the official record.

II. PROCEDURAL HISTORY

The Respondent is a native and citizen of Brazil. On or about November 21, 2021, at approximately eighteen years of age, Respondent entered the United States near the southern border and was apprehended by immigration authorities near San Luis, Arizona. At that time, Respondent spoke Portuguese and had no meaningful proficiency in English. She was detained for approximately twenty days at the Eloy Detention Center in Eloy, Arizona.

During her detention, Respondent underwent a credible fear interview. *See* Exhibit 2. The asylum officer found a credible fear of persecution on account of membership in the particular social group of sexual minorities in Brazil. Following a positive credible fear determination, DHS issued a Notice to Appear placing Respondent in removal proceedings under INA § 240. *See* Exhibits 1-2.

On December 10, 2021, DHS issued the NTA charging Respondent as removable under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). *See* Exhibit 1. The heading of the NTA identifies the address of service as the Eloy Detention Center in Eloy, Arizona. Respondent was released from that facility on December 10, 2021. *See* Exhibit 3. The Certificate of Service on the face of the NTA reflects service by regular mail—not personal service—despite Respondent being in ICE custody, which permitted service in person, and the signature line for personal service was left blank. *Id.* Respondent attests that she never received the NTA. Following her release from custody on parole on December 10, 2021, Respondent received no information regarding any pending

proceeding, no hearing date, no instructions on address reporting obligations, and no list of legal service providers. *See* Exhibits 1-3.

On December 10, 2021, the Eloy Immigration Court issued a Notice of Hearing scheduling a Master Calendar hearing for December 21, 2021. That notice was addressed to Respondent *c/o* the Eloy Detention Center—a facility from which the Government itself had already released her. The mailing was returned to the Court marked “RETURNED TO SENDER—DETAINEE RELEASED.” *See* Exhibits 4-5. Respondent never received that notice.

At the time of release, ICE recorded that Respondent intended to reside at 602 Main Street, Pittsburgh, PA 15202 (the address of her aunt) and submitted ICE Form I-830 to the Immigration Court at Eloy with this information. ICE also submitted a motion for change of venue to Philadelphia, which was granted by Immigration Judge Habich on December 14, 2021. The Pittsburgh address was consequently docketed as Respondent’s address of record before the Philadelphia Immigration Court. *See* Exhibit 6.

Immediately after release from custody, however, Respondent discovered that her aunt had relocated to Boston, Massachusetts. Accordingly, Respondent never resided at the Pittsburgh address and instead traveled to Boston. She subsequently relocated to Spring Hill, Florida, where she has continuously resided since approximately March 2022. *See* Exhibit 13. Because Respondent had never received the NTA, she was never advised of her obligation to update her address with the Immigration Court by filing Form EOIR-33.

On December 15, 2021, the Philadelphia Immigration Court issued a new Notice of Hearing scheduling a Master Calendar hearing for June 22, 2022, at 1:00 P.M. *See* Exhibit 7 (Notice of Hearing, Philadelphia Immigration Court, December 15, 2021). That notice was mailed to 602 Main Street, Pittsburgh, PA 15202, the address docketed from ICE’s Form I-830. As detailed above, Respondent never resided at that address, and the Court’s record reflects the address was associated with the detention docket, not confirmed by Respondent. Respondent never received this notice either.

On June 24, 2022, Immigration Judge Scott entered an order of removal *in absentia*. The Order was subsequently served by mail to the Pittsburgh address. *See* Exhibit 8. Respondent was entirely unaware of the proceedings, the hearing date, and the resulting removal order.

Respondent first learned of the existence of a removal order against her only when she sought legal counsel to explore immigration options. Upon consulting with undersigned counsel, Respondent engaged legal representation and proceeded with reasonable diligence to prepare and file this motion.

III. TIMING OF THIS MOTION—NO FILING DEADLINE APPLIES

This motion is timely as a matter of law. A motion to rescind an *in absentia* removal order based on lack of proper notice under INA § 239(a) may be filed at any time, without limitation. INA § 240(b)(5)(C)(ii), 8 U.S.C. § 1229a(b)(5)(C)(ii); 8 C.F.R. § 1003.23(b)(4)(ii). There is no ninety-day filing deadline and no numerical bar applicable to motions premised on lack of notice. *See Matter of Bulnes*, 25 I&N Dec. 57 (BIA 2009) (motion to reopen for lack of notice may be filed even after departure). Accordingly, this motion is procedurally proper without regard to the time elapsed since entry of the removal order.

To the extent the Court considers the alternative grounds of changed personal circumstances discussed in Argument D below, those grounds are advanced under INA § 240(c)(7)(C)(ii), 8 U.S.C. § 1229a(c)(7)(C)(ii), which also permits filing at any time where the motion is based on changed country conditions material to eligibility for asylum. The same logic supports reopening based on changed personal circumstances under the Court's sua sponte authority at 8 C.F.R. § 1003.23(b)(1).

IV. FILING FEE—NOT REQUIRED

No filing fee is required for this motion. Where the basis for a motion to reopen is lack of proper notice in removal proceedings, the applicable regulation expressly waives the filing fee. 8 C.F.R. § 1003.24(b)(2)(v). Because this motion is grounded first and foremost on Respondent's failure to receive proper notice under INA § 239(a), no fee accompanies the filing.

V. AUTOMATIC STAY OF REMOVAL

The filing of this motion automatically stays Respondent's removal pending the Court's disposition. INA § 240(b)(5)(C); 8 C.F.R. § 1003.23(b)(4)(ii). Respondent respectfully requests

that ICE be notified of the applicability of this automatic stay provision. *See Matter of Rivera*, 21 I&N Dec. 232, 234 (BIA 1996).

VI. LEGAL STANDARD

An Immigration Judge may enter an *in absentia* removal order only if DHS establishes by clear, unequivocal, and convincing evidence that the written notice required under INA § 239(a)(1) or § 239(a)(2) was provided and that the respondent is removable. INA § 240(b)(5)(A).

An *in absentia* order “shall be rescinded” upon a motion to reopen filed at any time if the respondent demonstrates that she “did not receive notice in accordance with paragraph (1) or (2)” of INA § 239(a). INA § 240(b)(5)(C)(ii); 8 C.F.R. § 1003.23(b)(4)(ii). The statute’s mandatory language—“shall be rescinded”—leaves no room for discretion: once lack of the required notice is established, rescission follows as a matter of law.

Separately, the Court possesses authority to reopen proceedings sua sponte at any time in the interest of justice. 8 C.F.R. § 1003.23(b)(1). In addition, proceedings may be reopened based on newly available evidence, including changed personal circumstances bearing on eligibility for relief. INA § 240(c)(7); 8 C.F.R. § 1003.23(b)(3). Where a motion to reopen seeks to apply for relief from removal, the motion must include the application for relief and demonstrate prima facie eligibility. 8 C.F.R. §§ 1003.2(c)(1); 1003.23(b)(3). Respondent’s asylum application (Form I-589) is submitted concurrently with this motion.

VII. ARGUMENT

A. Respondent Was Never Served with the Notice to Appear and Therefore Was Never Informed of Her Obligations in Removal Proceedings or the Consequences of Failing to Appear.

The INA requires that the NTA be served on the respondent “in person or, if personal service is not practicable, through service by mail.” INA § 239(a)(1); 8 C.F.R. § 1003.18(b). The Certificate of Service on Respondent’s NTA reflects service by regular mail only—not in person, despite Respondent being in ICE custody, which permitted service in person. *See* Exhibit 1. No signature

from Respondent was obtained. *Id.* Respondent attests that she never received the NTA. *See* Evidence, Respondent's Declaration; *see also* Exhibit 1.

The BIA has long held that when notice is sent by regular mail, the presumption of delivery is weak and may be rebutted by a respondent's affidavit together with circumstantial evidence. *Matter of M-R-A-*, 24 I&N Dec. 665, 673–74 (BIA 2008). Relevant factors include whether the respondent has a motive to appear and contest proceedings, her conduct following alleged service, and any corroborating evidence. *Id.* Respondent had every reason to appear: she had a viable claim for protection and a desire to regularize her status. She did not appear because she had no idea proceedings existed.

The consequences of this failure to receive the NTA are legally significant. The NTA is the document that advises a respondent of her obligations under INA § 239(a)(1)(F): specifically, the duty to notify the Immigration Court of any change of address within five days. Because Respondent never received the NTA, she was never informed of this obligation. Under *Matter of G-Y-R-*, 23 I&N Dec. 181, 186–90 (BIA 2001), the Government cannot rely on a respondent's failure to update her address where she did not receive the NTA that was supposed to advise her of that requirement. *See also* INA § 239(a)(1)(F). Accordingly, any argument that Respondent forfeited notice protection by failing to file Form EOIR-33 is foreclosed.

In addition to failing to inform Respondent of her address-update obligations, the non-service of the NTA deprived Respondent of notice of the consequences of failing to appear at her removal hearing. INA § 240(b)(5)(A), 8 U.S.C. § 1229a(b)(5)(A), provides that an in absentia removal order may be entered only if the alien received written notice of the hearing and of the consequences of failing to appear. Because Respondent never received the NTA, she was never informed that removal proceedings had been initiated against her, that a hearing had been scheduled, or that her failure to appear could result in a removal order being entered against her *in absentia*.

A.1. The NTA Was Mailed to the Detention Facility After Respondent's Release and Was Therefore Not Received.

A review of the NTA (Exhibit 1) reveals that service was directed to Respondent at the Eloy Detention Center in Eloy, Arizona. Respondent was released from that same facility on December

10, 2021. *See* Exhibit 3 (Notice of Release). Because the NTA was addressed to a detention center from which Respondent had already been discharged on the very date of issuance, it could not have been delivered to her. Mail addressed to a detention facility after a detainee’s release is not “reasonably calculated” to reach that individual. *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). The Government bears the burden of proving by clear, unequivocal, and convincing evidence that proper notice was provided. INA § 240(b)(5)(A). It cannot meet that burden when the service address was a facility from which Respondent had already been released.

A.2. The Notice of Hearing Was Mailed to the Detention Facility After Respondent’s Release and Was Returned Undelivered.

This case presents unusually strong documentary proof of non-receipt. On December 10, 2021—the same day Respondent was released from custody on parole—the Eloy Immigration Court issued a Notice of Hearing and mailed it to Respondent at the Eloy Detention Center. *See* Exhibit 4. DHS had already released Respondent from that very facility. *See* Exhibit 3. The mailing was returned to the Court marked “RETURNED TO SENDER—DETAINEE RELEASED.” *See* Exhibit 5. The Court’s own record thus confirms that the notice did not reach Respondent.

Returned mail constitutes strong evidence of non-receipt. *See Matter of M-R-A-*, 24 I&N Dec. at 673–74. In the Third Circuit, even uncontradicted regular mail carries only a weak presumption of delivery, rebuttable by affidavit and circumstantial evidence. *Santana-Gonzalez v. Att’y Gen.*, 506 F.3d 274, 278–80 (3d Cir. 2007). The evidence here is stronger than a mere affidavit: the Court’s own file shows the mailing was physically returned as undeliverable. DHS therefore cannot satisfy its burden under INA § 240(b)(5)(A). Rescission is mandatory under INA § 240(b)(5)(C)(ii).

A.3. The Subsequent Mailing of the Philadelphia Notice of Hearing to the Pittsburgh Address Did Not Constitute Proper Notice.

On December 15, 2021, the Philadelphia Immigration Court mailed a Notice of Hearing for June 22, 2022, to 602 Main Street, Pittsburgh, PA 15202. *See* Exhibit 7. This address was never Respondent’s actual residence. Respondent provided this address to ICE upon release as her anticipated destination, in good faith, believing she would be residing with her aunt. *See* Evidence,

Respondent's Declaration. Respondent discovered immediately after release that her aunt had moved to Boston, and accordingly never resided in Pittsburgh.

Critically, because Respondent never received the NTA, she was never advised of her obligation to file Form EOIR-33 to update her address with the Court. *See Matter of G-Y-R-*, 23 I&N Dec. at 186–90. A respondent who never received the NTA cannot be held to have forfeited notice protection by failing to comply with an obligation she was never informed of. Any contention that the Pittsburgh mailing satisfies the government's notice obligation must therefore fail.

Moreover, the address used for the December 15 mailing was the same address ICE docketed at the time of release from detention—a transient, pre-release designation that DHS itself submitted to the Court. Respondent had no meaningful opportunity to confirm, correct, or update that address with the Court before the hearing notice was sent, because she had never been served with the NTA that initiated the proceedings. Accordingly, Respondent never received the Notice of Hearing scheduling the June 22, 2022 hearing and, as a result, was unaware of the hearing date and unable to appear.

B. Any Alleged Failure to File a Change of Address Does Not Defeat Respondent's Right to Rescission.

DHS may argue that Respondent bore responsibility for the notice failure because she did not file Form EOIR-33 to update her address. That argument fails for three independent reasons.

First and most fundamentally, the duty to update one's address is triggered by receipt of the NTA. INA § 239(a)(1)(F) conditions the obligation on the respondent having been "given" the required notice. Because Respondent never received the NTA, she was never informed that such an obligation existed. *See Matter of G-Y-R-*, 23 I&N Dec. at 186–90 (government may not rely on address-updating obligations where respondent did not receive the NTA). The obligation simply did not attach.

Second, the operative hearing notice—the Philadelphia Notice of Hearing for the June 22, 2022 hearing, upon which the in absentia order was premised—was mailed to 602 Main Street, Pittsburgh, PA 15202, an address at which Respondent never resided. *See Exhibit 7.* Mailing a hearing notice to an address the respondent never inhabited is not "reasonably calculated" to

provide actual notice. *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). The Government cannot shift blame for its own defective mailing onto the respondent.

Third, while Respondent did provide the Pittsburgh address to ICE upon release as her anticipated destination, that address was recorded on Form I-830 and submitted to the Immigration Court by ICE without any subsequent verification. Respondent could not have updated the Court's record because she did not know proceedings had been initiated. *See* Exhibit 6. Respondent had no opportunity to correct or supplement that record before the December 15 hearing notice was mailed, because she had not received the NTA, did not know proceedings had commenced, was not represented by counsel, and was not advised of such obligation.

C. The Due Process Clause Independently Requires Rescission.

Although the statutory notice defect is sufficient to require rescission, the circumstances here also reflect a violation of Respondent's constitutional due process rights. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law. Removal is a severe sanction that implicates liberty interests. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

Due process requires notice "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Mailing a hearing notice to a detention facility on the same day the Government releases the respondent from that facility is not notice reasonably calculated to inform her of the proceeding. Mailing a hearing notice six months later to an address the respondent never occupied—because the Government docketed it at the time of release without verifying current residence—compounds the constitutional deficiency.

Respondent was eighteen years old at the time of her initial detention. She spoke only Portuguese, had no legal representation, received no meaningful orientation to the immigration process, and had no understanding that removal proceedings had been initiated against her. Ordering her removed *in absentia* under these circumstances—without actual notice of any kind—offends the constitutional requirement of meaningful process. The Court need not reach this constitutional

ground if it grants rescission on statutory grounds, but the due process violation underscores why rescission is compelled.

D. In the Alternative, Extraordinary Changed Circumstances Independently Warrant Reopening: Respondent Has Undergone Gender Transition and Is Now Prima Facie Eligible for Asylum as a Transgender Woman.

Even if this Court were to conclude that statutory rescission for lack of notice is unavailable, which Respondent expressly denies, reopening is separately warranted based on extraordinary circumstances arising from Respondent's changed personal situation. Reopening is permitted where circumstances have arisen subsequent to the prior proceeding bearing on Respondent's eligibility for relief. 8 C.F.R. § 1003.23(b)(3).

D.1. Respondent Has Undergone Gender Transition in the United States and Now Presents as a Transgender Woman.

At the time of her credible fear interview in December 2021, Respondent had not yet transitioned and was documented by DHS as a gay male. *See* Exhibits 1-2; *see also* Evidence, Respondent's Declaration. Since that time, Respondent has undergone a gender transition in the United States. She is currently under active medical care, receiving hormone therapy (Spironolactone and Estradiol), and has undergone gender-affirming procedures. *See* Exhibit 9; *see also* Evidence, Respondent's Declaration. Respondent is documented in her medical records as female. She presents publicly and consistently as a woman, has adopted the name Graziela, and uses she/her pronouns. These are irreversible, immutable characteristics of who Respondent is.

This transition constitutes a material change in Respondent's circumstances with direct legal consequences for her asylum claim. At the time of the 2021 proceedings, Respondent had not yet transitioned and her claim was evaluated under the PSG of "sexual minorities in Brazil—specifically, as a homosexual male in Brazil. Today, Respondent's claim must be evaluated through the lens of her identity as a transgender woman, a distinct and significantly more vulnerable population in Brazil. The transformation in her presentation, identity, and risk profile constitutes precisely the kind of new fact that supports reopening. *See* Form I-589, Respondent's Application for Asylum and for Withholding of Removal.

D.2. Respondent Is Prima Facie Eligible for Asylum Based on Her Identity as a Transgender Woman from Brazil.

Country conditions for transgender individuals in Brazil have continued to deteriorate. Brazil is the country with the highest number of transgender homicides in the world. According to the Transgender Europe (TGEU) Trans Murder Monitoring project, Brazil has consistently led global rankings for trans killings for over a decade. The National Association of Travestis and Transsexuals of Brazil (ANTRA) documented 163 murders of transgender people in Brazil in 2024—a figure that reflects a worsening pattern of targeted violence against transgender women. *See* Evidence Part 02, Country Conditions Reports, CC7. Violence against transgender women is widespread, brutal, and largely unpunished.

For asylum purposes, the most relevant PSG is “Brazilian transgender women.” This group satisfies all three requirements under BIA precedent: (1) *immutability*: gender identity is a core, immutable characteristic that a person should not be required to change, *see Matter of Kasinga*, 21 I&N Dec. 357, 365 (BIA 1996); (2) *particularity*: the group is defined with clarity and bounded by objective criteria (Brazilian nationals who are transgender women); and (3) *social distinction*: transgender women in Brazil are perceived by Brazilian society as a distinct group, as evidenced by the systematic, targeted violence against them. *See Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014).

Respondent has experienced persecution in Brazil throughout her life on account of her gender identity. As described in her accompanying asylum declaration, she suffered physical assaults, death threats, school exclusion, family violence, and pervasive societal hostility from early childhood, all attributable to her non-conforming gender expression and identity. *See* Form I-589, Respondent’s Application for Asylum and for Withholding of Removal; *see also* Evidence, Respondent’s Declaration. The Brazilian government has been unable and unwilling to protect transgender individuals from the violence they face, whether perpetrated by private actors or, in some instances, by state agents themselves: police frequently fail to investigate, discriminate against transgender victims, and in some cases participate in the abuse. *See* Evidence Part 02, Country Conditions Reports.

Respondent's transition in the United States has not diminished her risk in Brazil—it has heightened it. Were she forced to return, she would face life as a visibly transgender woman in a country that systematically kills and excludes such individuals. The record amply supports prima facie eligibility for asylum under INA § 208. *See* Exhibit 14; *see also* Form I-589, Respondent's Application for Asylum and for Withholding of Removal; and supporting documents that are submitted concurrently with this motion.

D.3. Respondent's Marriage to a United States Citizen Creates Additional New Eligibility for Relief That Requires Reopening to Pursue.

Since the entry of the *in absentia* removal order, Respondent has married a United States citizen. *See* Exhibits 10–11 (Spouse's Birth Certificate and Marriage Certificate). As the spouse of a U.S. citizen, Respondent qualifies as an immediate relative under INA § 201(b)(2)(A)(i), a classification with no annual numerical limitation and immediate visa availability. *See* INA § 201(b); 8 U.S.C. § 1151(b). This creates a pathway to adjustment of status under INA § 245 that was not available at the time of the original proceedings. Where a respondent develops new eligibility for relief subsequent to a hearing, reopening is warranted. 8 C.F.R. § 1003.23(b)(3); *see also* INA § 240(c)(7)(C)(i). Absent rescission of the *in absentia* order, Respondent is barred from discretionary relief for ten years pursuant to INA § 240(b)(7), which would foreclose pursue of lawful residence and undermine the viability of this relief pathway. Reopening is necessary to allow Respondent to pursue this newly available form of relief.

E. In the Alternative, the Court Should Exercise Its Sua Sponte Authority to Reopen These Proceedings.

An Immigration Judge may reopen proceedings sua sponte at any time in the interest of justice. 8 C.F.R. § 1003.23(b)(1). Sua sponte reopening is appropriate where a respondent demonstrates exceptional circumstances, including equities so compelling that they override the general policy of finality. *See Matter of G-D-*, 22 I&N Dec. 1132, 1133–34 (BIA 1999).

The totality of circumstances here presents precisely such a case. Respondent: (1) entered the United States at eighteen years of age, fleeing lifelong persecution on account of her gender identity and sexuality; (2) was released from detention with no meaningful orientation to the

immigration process; (3) never received either the NTA or the operative hearing notice; (4) has resided in the United States continuously for approximately four years; (5) has no criminal history in any jurisdiction; (6) has undergone gender transition and is receiving ongoing medical care that would be unavailable in Brazil; (7) is married to a United States citizen who depends on her care; and (8) faces a real and documented risk of persecution and death if returned to Brazil as a transgender woman.

The equities are overwhelmingly in Respondent's favor. The *in absentia* order was entered without any actual notice to Respondent and, as a result, without any opportunity for her to present her case. Allowing that order to stand would result in the removal of a transgender woman to the country with the highest transgender homicide rate in the world (*see* Evidence Part 02, Country Conditions Reports), based on a proceeding she had no knowledge of and no ability to participate in. Sua sponte reopening is warranted as an independent and alternative basis for relief.

VIII. RESPONDENT'S GOOD FAITH AND EQUITIES FAVOR REOPENING

Respondent has consistently demonstrated good faith in her dealings with this Court and with immigration authorities. She cooperated fully with border agents at apprehension, participated in the credible fear interview, and provided her intended address upon release. She did not know that removal proceedings had been initiated against her, and she had no subjective awareness of any pending hearing. Upon learning of the *in absentia* order, she acted with reasonable diligence in securing legal counsel and pursuing this motion. *See* Evidence, Respondent's Declaration.

Respondent has lived in the United States for approximately four years. She has no criminal history and has established meaningful ties in Florida, including her marriage to a United States citizen who relies on her for daily care following a serious accident. She is actively engaged in her medical transition and is pursuing educational and professional goals that would be precluded by removal. She is the sole caregiver for her spouse. These equities strongly support reopening. *See* Exhibits 9–13; *See also* Evidence, Respondent's Declaration.

IX. CONCLUSION

The record in this case affirmatively establishes that Respondent never received constitutionally adequate notice of the removal proceedings or the hearing at which she was ordered removed. The

operative Notice of Hearing was mailed to the Eloy Detention Center on the day of her release and was physically returned undeliverable. The subsequent mailing to the Pittsburgh address was sent to a location Respondent never inhabited, based on ICE's own records from the time of release, and cannot supply notice that the first mailing failed to provide. Because Respondent never received the NTA, she was never informed of her address-updating obligations, and no failure to file Form EOIR-33 can be attributed to her.

Rescission is mandatory under INA § 240(b)(5)(C)(ii) and *Matter of M-R-A-*. Independently, reopening is warranted because Respondent now presents as a transgender woman, is prima facie eligible for asylum on the basis of that identity, and has married a United States citizen, creating new pathways for relief that did not exist at the time of the original proceedings.

X. RELIEF REQUESTED

WHEREFORE, Respondent respectfully requests that this Honorable Court:

1. Rescind the *in absentia* removal order entered on June 24, 2022;
2. Reopen these proceedings pursuant to INA § 240(b)(5)(C)(ii) and 8 C.F.R. § 1003.23(b)(4)(ii), or in the alternative pursuant to INA § 240(c)(7) and 8 C.F.R. § 1003.23(b)(1);
3. Re-calendar Respondent's case before the Immigration Court; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



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Attorney at Law
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San Diego, CA 92169
Counsel for Respondent

Exhibit list

Exhibits: Pages:

Exhibit 1

Notice to Appear (NTA) — Form I-862 1-3

Exhibit 2

Credible Fear Worksheet (Form I-870) and Interview Notes 4-27

Exhibit 3

Notice of Release from Custody / Parole 28

Exhibit 4

Notice of Hearing — Eloy Immigration Court, dated December 10, 2021 (Master Calendar hearing scheduled December 21, 2021) 29

Exhibit 5

Notice of Hearing — Returned to Sender (“DETAINEE 30 RELEASED”) 30

Exhibit 6

ICE Form I-830 — Notice to EOIR of Alien Address Upon Release 31

ICE Motion for Change of Venue; IJ Order Granting Change of Venue (December 14, 2021) 32-34

Exhibit 7

Notice of Second Master Calendar Hearing - Philadelphia Immigration Court, dated December 15, 2021 (Master Calendar hearing scheduled June 22, 2022) 35

Exhibit 8

In Absentia Removal Order — June 24, 2022 36-37

Exhibit 9

Medical Records — Hormone Therapy and Gender-Affirming Care 38-42

Letter of Dr. Antonio Luis confirming Gender-Affirming Hormone Therapy (November 6, 2024) 43

Exhibit 10

Marriage Certificate of João Silveira and Jacob Paul Jones 44

Exhibit 11

Proof of Spouse's U.S. Citizenship — Birth Certificate 45

Exhibit 12

Evidence of Good Moral Character: Florida Department of Law Enforcement - Criminal History Record Check 46

Evidence of Good Moral Character: Brazilian National Criminal Records Check 47-48

Exhibit 13

Evidence of Current Residence in Florida 49

Exhibit 1

NOTICE TO APPEAR

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

File No: A 220 350 514

In the Matter of:

Respondent: ROCHA SILVEIRA, Joao Lucas currently residing at:

c/o DHS Eloy Detention Center, 1705 E. Hanna Road, Eloy, AZ 85131

(520) 464-3000

(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 citizen of Brazil;
- 3) You entered the United States at an unknown location on or about 11/21/2021;
- 4) You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
- 5) You were not then admitted or paroled after inspection by an immigration officer.

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 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General.

- 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)

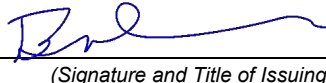
YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Eloy Immigration Court, 1705 E. Hanna Rd. Ste. 366, Eloy, AZ 85131

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

on 12/24/2021 at 8:30am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.



Supervisory Asylum Officer

(Signature and Title of Issuing Officer) (Sign in ink)

Date: 12/9/2021

Arlington, VA
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so 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 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten 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 will be provided with this notice.

Conduct of the hearing: 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. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. 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. You will be advised by the immigration judge before whom you appear 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.

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 section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in ink)

Date:

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of Service

This Notice To Appear was served on the respondent by me on 12/10/2021, in the following manner and in compliance with section 239(a)(1) of the Act.

in person by certified mail, returned receipt # requested by regular mail

Attached is a credible fear worksheet. Attached is a list of organization and attorneys which provide free legal services. Portuguese

The alien was provided oral notice in the language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served) (Sign in ink)

Lilliana Hernandez Legal Admin Spc (Signature and Title of officer) (Sign in ink)

EOIR - 2 of 27

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARRIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Exhibit 2

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

Record of Determination/Credible Fear Worksheet

PHO	ZAC	220 350 514	ROCHA SILVEIRA
District Office Code	Asylum Office Code	Alien's File Number	Alien's Last/ Family Name
Kim	Yuri	Brazil	
Asylum Officer's Last Name	Asylum Officer's First Name	Alien's Nationality	

All statements in italics must be read to the applicant

SECTION I:

INTERVIEW PREPARATION

- 1.1 11/21/21
Date of arrival [MM/DD/YY]
- 1.2 Unknown
Port of arrival
- 1.3 11/21/21
Date of detention [MM/DD/YY]
- 1.4 Eloy Detention Center, 1705 E. Hanna Road, Eloy, AZ 85131
Place of detention
- 1.5 11/24/21
Date of AO orientation [MM/DD/YY]
- 1.6 N/A
If orientation more than one week from date of detention, explain delay
- 1.7 12/06/21
Date of interview [MM/DD/YY]
- 1.8 ZAC (Telephonic)
Interview site
- 1.9 Applicant received and signed **Form M-444** and relevant *pro bono* list on 11/24/21
Date signed [MM/DD/YY]
- 1.10 Does applicant have consultant(s)? Yes No
- 1.11 If yes, consultant(s) name, address, telephone number and relationship to applicant
N/A
- 1.12 Persons present at the interview (check which apply)
- 1.13 Consultant(s)
- 1.14 Other(s), list: _____
- 1.15 No one other than applicant and asylum officer
- 1.16 Language used by applicant in interview: Portuguese
- 1.17 Language Line : 206278 Yes No 08:21 AM 11:18 AM
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.18 _____ Yes No _____
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.19 _____ Yes No _____
Interpreter Service, Interpreter ID Number. Interpreter Has Forms Time Started Time Ended
- 1.20 Interpreter **was not changed** during the interview
- 1.21 Interpreter **was changed** during the interview for the following reason(s):
- 1.22 Applicant requested a female interpreter replace a male interpreter, or *vice versa*
- 1.23 Applicant found interpreter was not competent
- 1.24 Applicant found interpreter was not neutral
- 1.25 Officer found interpreter was not competent
- 1.26 Officer found interpreter was not neutral
- 1.27 Bad telephone connection
- 1.28 Asylum officer read the following paragraph to the applicant at the beginning of the interview:

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement you do not understand, please stop me and tell me you do not understand so that I can explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Alien's File Number:	A220 350 514
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SECTION II: BIOGRAPHIC INFORMATION

2.1 ROCHA SILVEIRA
Last Name/ Family Name [ALL CAPS]

2.2 Joao 2.3 Lucas
First Name Middle Name

2.4 2/27/2003 2.5 Male
Date of birth [MM/DD/YY] Gender

2.6 N/A
Other names and dates of birth used

2.7 Brazil 2.8 Brazil
Country of birth Country (countries) of citizenship (list all)

2.9 Avenida Castelo Branco 409, Rio Pardo, Rondonia, Brazil
Address before coming to the U.S. (List Address, City/Town, Province, State, Department, and Country).

2.10 Brown 2.11 Catholic 2.12 Portuguese
Applicant's race or ethnicity Applicant's religion All languages spoken by applicant

2.13 Marital status: Single Married Legally separated Divorced Widowed

2.14 Did spouse arrive with applicant? Yes No

2.15 Is spouse included in applicant's claim? Yes No

2.16 If currently married (including common-law marriage) list spouse's name, citizenship, and present location (if with applicant, provide A-Number):

2.17 Children: Yes No

2.18 List any children (Use the continuation section to list any additional children):

Date of birth (MM/DD/YY)	Name	Citizenship	Present location (if w/ PA, list A-Numbers)	Did child arrive with PA?		Is child included in PA's claim?	
				<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Alien's File Number: A220 350 514

2.19 Does applicant claim to have a medical condition (physical or mental), or has the officer observed any indication that a medical condition exists? If YES, answer questions 2.20 and 2.21 and explain below. [X] Yes [] No

Bronchitis

2.20 Has applicant notified the facility of medical condition? [X] Yes [] No

2.21 Does applicant claim that the medical condition relates to torture? [] Yes [X] No

2.22 Does the applicant have a relative, sponsor, or other community ties, including spouse or child already listed above? [X] Yes [] No

2.23 If YES, provide information on relative or sponsor (use continuation section, if necessary):

Laize NOGUEIRA MAGALHAES

Aunt

Name

Relationship

602 Main Ave, Pittsburgh, PA 15202

412-808-8340

Address

Telephone Number

[] Citizen [] Legal Permanent Resident [X] Other unknown

SECTION III:

CREDIBLE-FEAR INTERVIEW

The following notes are not a verbatim transcript of this interview. These notes are recorded to assist the asylum officer in making a credible-fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for purposes of this threshold screening.

The asylum officer must elicit sufficient information related to both credible fear of persecution and credible fear of torture to determine whether the applicant meets the threshold screening. Even if the asylum officer determines in the course of the interview that the applicant has a credible fear of persecution, the asylum officer must still elicit any additional information relevant to a fear of torture. Asylum officers are to ask the following questions and may use the continuation sheet if additional space is required. If the applicant replies YES to any question, the asylum officer must ask follow-up questions to elicit sufficient details about the claim to make a credible-fear determination.

3.1 a. Have you or any member of your family ever been mistreated or threatened by anyone in any country to which you may be returned?

[X] Yes [] No

See Q&A

b. Do you have any reason to fear harm from anyone in any country to which you may be returned?

[X] Yes [] No

See Q&A

c. If YES to questions a or b: Was it or is it because of any of the following reasons? (Check each of the following boxes that apply.)

[] Race [] Religion [] Nationality [X] Membership in a particular social group [] Political Opinion

See Q&A

Alien's File Number:	A220 350 514
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3.2 At the conclusion of the interview, the asylum officer must read the following to applicant:

If the Department of Homeland Security determines you have a credible fear of persecution or torture, your case will be referred to an immigration court, where you will be allowed to seek asylum or withholding of removal based on fear of persecution or withholding of removal under the Convention Against Torture. The Field Office Director in charge of this detention facility will also consider whether you may be released from detention while you are preparing for your hearing. *If the asylum officer determines that you do not have a credible fear of persecution or torture, you may ask an Immigration Judge to review the decision. If you are found not to have a credible fear of persecution or torture and you do not request review, you **may be removed** from the United States as soon as travel arrangements can be made. Do you have any questions?*

See Q&A

3.3 At the conclusion of the interview, the asylum officer must read a summary of the claim, consisting of the responses to Questions 3.1 a-c and information recorded in the Additional Information/Continuation section, to applicant.

****Typed Question and Answer (Q&A) interview notes and a summary and analysis of the claim must be attached to this form for all negative credible-fear decisions. These Q&A notes must reflect that the applicant was asked to explain any inconsistencies or lack of detail on material issues and that the applicant was given every opportunity to establish a credible fear.

SECTION IV:

CREDIBLE FEAR FINDINGS

A. Credible Fear Determination:

Credibility

- 4.1 ~~There is a significant possibility that the assertions underlying the applicant's claim could be found credible in a full asylum or withholding of removal hearing.~~ Applicant was found credible
- 4.2 Applicant found **not** credible because (check boxes 4.3-4.5, which apply):
- 4.3 Testimony was internally inconsistent on material issues.
- 4.4 Testimony lacked sufficient detail on material issues.
- 4.5 Testimony was not consistent with country conditions on material issues.

Nexus

- 4.6 Race 4.7 Religion 4.8 Nationality 4.9 Membership in a Particular Social Group

(Define the social group): Sexual minorities in Brazil

- 4.10 Political Opinion 4.11 Coercive Family Planning [CFP] 4.12 No Nexus

Credible Fear Finding

- 4.13 Credible fear of **persecution** established.
OR
- 4.14 Credible fear of **torture** established.
OR
- 4.15 Credible fear of persecution NOT established and there is not a significant possibility that the applicant could establish eligibility for withholding of removal or deferral of removal under the Convention against Torture.

B. Possible Bars:

- 4.16 Applicant could be subject to a bar(s) to asylum or withholding of removal (check the box(es) that applies and explain on the continuation sheet):
- 4.17 Particularly Serious Crime 4.18 Security Risk 4.19 Aggravated Felon
- 4.20 Persecutor 4.21 Terrorist 4.22 Firmly Resettled
- 4.23 Serious Non-Political Crime Outside the United States
- 4.24 Applicant does **not** appear to be subject to a bar(s) to asylum or withholding of removal.

EOIR - 7 of 27


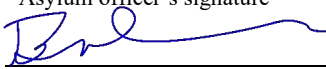
Alien's File Number:	A220 350 514
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C. Identity:

- 4.25 Applicant's identity was determined with a reasonable degree of certainty (check the box(es) that applies):
- 4.26 Applicant's own credible statements. (If testimony is credible overall, this will suffice to establish the applicant's identity with a reasonable degree of certainty.)
- 4.27 Passport, which appears to be authentic.
- 4.28 Other evidence presented by applicant or in applicant's file (List): _____

- 4.29 Applicant's identity was **not** determined with a reasonable degree of certainty. (Explain on the continuation sheet.)

SECTION V: ASYLUM OFFICER / SUPERVISOR NAMES AND SIGNATURES

5.1 Yuri Kim, ZAR 723	5.2 	5.3 12/06/21
Asylum officer name and ID CODE (print)	Asylum officer's signature	Decision date
5.4 B.Cloud, ZAR654	5.5 	5.6 12/09/21
Supervisory asylum officer name	Supervisor's signature	Date supervisor approved decision

ADDITIONAL INFORMATION/CONTINUATION

See Q&A

Individual did not establish that it is more likely than not that he meets the class definition in *Al Otro Lado v. Wolf*.

A#: 220350514
Name: ROCHA SILVEIRA, Joao Lucas
Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

CREDIBLE FEAR INTERVIEW NOTES

The following notes are not a verbatim transcript of this interview. These notes are recorded to assist the individual officer in making a credible fear determination and the supervisory asylum officer in reviewing the determination. There may be areas of the individual's claim that were not explored or documented for purposes of this threshold screening.

Start Time: 08:21 AM EST

INTERPRETER'S OATH

Interpreter Service and ID Number: Language Line #206278
Interpreter Start Time: 08:21 AM
Interpreter End Time: 11:18 AM

Q: Do you affirm you will truthfully, literally and fully interpret the questions asked by the asylum officer and the answers given by the applicant; you will not add to, delete from, comment on, or otherwise change the matter to be interpreted; and you will immediately notify the officer in this case if you become aware of your inability to interpret in a neutral manner on account of a bias for or against the applicant or the applicant's race, religion, nationality, membership in a particular social group, or political opinion?

A: Yes

Q: Do you affirm that you will keep the information you learn today confidential and will not share it with anyone?

A: Yes. **[Interpreter Sworn In]**

Q: Interpreter, please introduce yourself to the applicant and let him know that you've been sworn in and will keep everything discussed today confidential.

Q: *[To the Applicant]* Do you understand the interpreter well?

A: Yes

Q: Are you comfortable being interviewed in Portuguese with a female officer and a female interpreter?

A: Yes

Q: Do you speak any other languages?

A: No

INTRODUCTION & OATH

Q: Hello, my name is Officer Kim and I'll be conducting your credible fear interview. We are talking today because you indicated that you are afraid to return to Brazil. Are you still afraid to go back?

A: Yes

We'll discuss the reasons you're afraid a bit later. Since we have an interpreter on the line, please remember to speak clearly and loudly, and if you have a long answer, take pauses so the interpreter can accurately tell me everything you say.

Q: Before we continue, I'm going to place you under oath. That means you're making a promise to tell the truth. Please raise your right hand. Do you affirm the testimony you will provide will be the truth, the whole truth, and nothing but the truth?

A: Yes. **[Applicant Sworn In]**

Q: Thank you. You may lower your hand

ATTORNEY

Q: Do you have an attorney or consultant to represent you today?

A#: 220350514
Name: ROCHA SILVEIRA, Joao Lucas
Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

A: No

Q: Did you receive a list of attorneys who may be able to represent you for free or a low cost?

A: Yes, I did

Q: During this interview, you have the right to have an attorney or consultant participate if you would like one. Would you like to have your interview today by yourself or would you like to reschedule so that you can have more time to find an attorney?

A: Is it important to have an attorney?

Q: The role of the attorney or a consultant will be to represent your interests during this interview. He or she may ask additional questions or make a statement on your behalf. It is your decision to either proceed on your own or wait for an attorney or consultant. I will be asking some questions with or without an attorney. What you would like to do?

A: I'd like to continue by myself

Q: What is your true and complete name?

A: Joao Lucas ROCHA SILVEIRA

Q: Have you ever used or been known by any other names or aliases?

A: No

Q: What is your correct date of birth?

A: February 27, 2003

Q: Have you ever used any other dates of birth?

A: No

Form M-444 and Purpose of the Interview

Q: Our records indicate that on November 24, 2021, you were given information that explained the credible fear process. The packet included the form M-444 which explained your right to an attorney or consultant, that an interpreter would be provided for you and the consequences of failing to establish a credible fear. Do you remember receiving and signing the form explaining the CF process?

A: No [Interpreter read M-444 to Applicant]

Q: Did you understand the information in that form?

A: Yes

Q: The interpreter is going to read you a brief paragraph explaining the purpose of this interview.

[Interpreter read Section 1.28 from Form I-870]

The purpose of this interview is to determine whether you may be eligible for asylum or protection from removal to a country where you fear persecution or torture. I am going to ask you questions about why you fear returning to your country or any other country you may be removed to. It is very important that you tell the truth during the interview and that you respond to all of my questions. This may be your only opportunity to give such information. Please feel comfortable telling me why you fear harm. U.S. law has strict rules to prevent the disclosure of what you tell me today about the reasons why you fear harm. The information you tell me about the reasons for your fear will not be disclosed to your government, except in exceptional circumstances. The statements you make today may be used in deciding your claim and in any future immigration proceedings. It is important that we understand each other. If at any time I make a statement that you do not understand, please stop me and tell me you do not

A#: 220350514
Name: ROCHA SILVEIRA, Joao Lucas
Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

understand so that I may explain it to you. If at any time you tell me something I do not understand, I will ask you to explain.

Q: Did you understand everything the interpreter read to you?

A: Yes

Q: Do you have any questions about what was read to you?

A: No

Q: How are you feeling today?

A: Good

Q: Are you comfortable speaking with me today?

A: Yes

Q: How are you being treated in the detention facility?

A: Good

Q: Do you have any medical or other health-related conditions?

A: Bronchitis

Q: Have you notified the detention facility of the condition?

A: Yes

Q: Is the condition related to the harm you suffered in the past?

A: No

Q: Will your condition affect your ability to proceed with today's interview?

A: No

Q: Have you taken any medications in the last 48 hours?

A: No

Q: Are you alone in the room?

A: Yes

BIOGRAPHIC INFORMATION

Q: Are you a native and citizen of Brazil?

A: Yes

Q: Are you a citizen of any other country?

A: No

Q: Have you ever lived in any other countries?

A: No

Q: What was your last address in Brazil?

A: Avenida Castelo Branco 409, Rio Pardo, Rondonia, Brazil

Q: What is your race or ethnic group?

A#: 220350514
Name: ROCHA SILVEIRA, Joao Lucas
Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

A: Brown

Q: What is your religion, if any?

A: Catholic

Q: Are you single, married, divorced, or living with a partner?

A: Single

Q: Do you have any children?

A: No

Q: Did any family members travel with you to the United States?

A: No

Q: Who would you live with, in the United States, if you are released from the detention center?

A: Name: Laize NOGUEIRA MAGALHAES

Relationship: Aunt

Location: 602 Main Ave, Pittsburgh, PA 15202

Phone#: 412-808-8340

Immigration Status: Unknown

Q: What type of work did you do in Brazil?

A: I didn't work, I was a student. I lived with my mother

Q: What is the highest level of education you have completed?

A: High school

Q: Have you ever served in the military or with the police force in Brazil?

A: No

Q: Have either of your parents ever been citizens of the United States?

A: No

ENTRY/ENCOUNTER INFORMATION/AOL

Q: Records indicate that you last entered the United States on or about November 21, 2021, at or near San Luis, AZ. Is this correct?

A: Yes

Q: How many days were you in the United States before you were apprehended by immigration officials?

A: Same day

Q: What date did you leave your home country to come to the United States?

A: November 17, 2021

Q: How did you travel to the United States?

A: I flew

Q: What countries did you travel through in order to get to the United States?

A: Mexico

A#: 220350514
Name: ROCHA SILVEIRA, Joao Lucas
Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

Q: Were you able to remain in Mexico legally?

A: No

Q: Was this the first time you entered the United States?

A: Yes

Q: How many times have you entered the United States?

A: Once

Q: What border town did you stay in Mexico prior to coming into the United States?

A: Mexicali

Q: Were you told to put your name on any sort of list to get into the port of entry at any place on the border?

A: No

Q: While you were in Mexicali, were you ever told that you could return to a port of entry to be processed?

A: No

Q: Did you ever add your name to any sort of list in Mexico that you believed would get you a place in line to cross through a port of entry?

A: No

Q: Did you ever try to put your name on a list in Mexico to get into the United States but were unable to put your name on the list?

A: No

Q: Did you know about the existence of a waitlist in Mexico that you believed would get you a place in line to enter the United States, but decided not to add your name to a list?

A: No

SUMMARY OF METERING QUESTIONS:

Q: I am going to confirm the information you just provided: You entered the United States on November 21, 2021. You did not attempt to enter the United States prior to that date. You were not asked to put your name on any sort of list, never put your name on a list, or attempted to put your name on a list and were unable to do so. Is that information correct?

A: Yes

Q: Are there any changes to make to that information?

A: No

REASONS FOR COMING TO THE U.S. & SUBSTANCE OF CLAIM FOR PROTECTION

Now, we are going to discuss your reasons for coming to the United States. I know that some of the questions I ask may be difficult or uncomfortable for you to answer. Please know that I'm asking specific questions in order to gather all the information I need to make a decision in your case.

Q: Please tell me why you left Brazil

A: I am gay and I suffered a lot of homophobia in my town, Rio Pardo. Brazil is a homophobic country

PAST HARM

A#: 220350514
Name: ROCHA SILVEIRA, Joao Lucas
Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

Q: Have you ever been threatened or physically harmed in Brazil?

A: Yes

Q: Threatened, harmed or both?

A: Both

Q: In total, how many times were you threatened in Brazil?

A: Countless times, about 5,000 times

Q: In total, how many times were you physically harmed in Brazil?

A: Two times

Q: Tell me about the first time you were physically harmed in Brazil

A: It happened at school around June 2019. Boys started hitting me with their sports equipment like shoes and clubs

Q: How many of them were hitting you?

A: I don't remember all of their names but three of them. One was Joao Vitor and the other one was Pablo

Q: Tell me everything they said to you that day

A: They called me faggot and said people like me should die and shouldn't be around normal people. They said they were going to make me disappear from the country

Q: What did they mean by people like you?

A: Gay people, they said gay people were not normal

Q: Did they say anything else?

A: That's all I can recall

Q: How did they know you are gay?

A: I came out when I was 15. Everyone knew. I was one of the very few came out and claimed my sexuality

Q: When did you first realize you were gay?

A: Very early on, since I was little. I enjoyed playing with things that girls played with. Maybe I was four

Q: Did you tell anyone?

A: Not right away. I was scared because Brazil is a homophobic country

Q: Does your family know you are gay?

A: Yes

Q: When did you tell your family?

A: When I was 15, right before I came out to my friends

Q: How did your family react when you told them?

A: Really badly. Up until now, I only have my mother's support and my aunt. My grandparents, father, and relatives did not like it

Q: Did you know other LGBTI people in your country?

A: Yes

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Asylum Officer: ZAR 723
Location of Applicant: Eloy

Q: How were they treated in Brazil?

A: Very badly. People treat you differently the moment they realize you belong to the LGBT community. One of my friends, Guilherme, was beat up and had to be hospitalized. He was beat up because some random person did not like the fact that he was gay. He reported the harm to the police but the police did nothing about it. My lesbian friend, Jessica, was severely beaten by her parents and kicked out

Q: How do LGBTI people find each other in your country?

A: There are areas where we hang out. We usually meet people through friends and friends of friends

Q: How might others learn that you are gay?

A: My effeminate behavior. The way I talk and I wear makeup. How I dress is different too. I like short and tight clothing

Q: Were you involved in any LGBTI organizations in your country?

A: No, my mother did not want me to get involved. She thought it would make things worse for me

Q: Have you had any relationships in Brazil?

A: Yes

Q: How did they happen?

A: On apps and social media

Q: Are you with anyone right now?

A: No, I wouldn't call it a relationship

Q: Going back to the first time you were physically harmed, how long did they hit you for?

A: About two to three minutes

Q: What did they use to hit you?

A: They had some clubs so beat me with those. I was kicked with their cleats

Q: Where did they hit you?

A: All over my body and my face

Q: Did you sustain any injuries?

A: I had bruises

Q: Did you have to go to the hospital?

A: Yes, my mother did take me but everything was okay

Q: Did you ever report this incident to the police?

A: Not this time. My mother did go to school to see if those boys would be punished but nothing was done about it

Q: Do you know what the school told your mother?

A: They said they were going to take correct measures but they were never suspended or anything like that

Q: Why didn't you report to the police?

A: My mother did not want this to become public because she did not want to embarrass the family

Q: Tell me about the last time you were physically harmed in Brazil

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Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

A: New Year's Day in 2021. I was coming back home. This unknown man followed me

Q: Tell me everything he said to you that day

A: He told me he wanted me to stay with him. He said I was good looking. I said no. He started attacking me

Q: Did he say anything else?

A: No, that was all

Q: Why do you think he was saying and doing those things to you?

A: Maybe he thought I was going to be submissive because I am effeminate and he wanted to stay with me

Q: Any other reason?

A: No

Q: How were you physically harmed that day?

A: He tripped me and slapped my face twice

Q: Did he use anything to hit you?

A: No, just what I told you

Q: Did you sustain any injuries?

A: I had a little scratch on my nose

Q: Did you report this incident to the police?

A: Yes, I did file a police report the next day

Q: What exactly did you say to the police?

A: I told them I was attacked by an unknown man. I told them I was tripped and slapped

Q: What exactly did the police say to you when you told them?

A: They said they would call and inform me with any news but they never called me

Q: What did the police do after you reported this incident?

A: They typed it on their computer and printed a paper and gave it to me. And I left

Q: Do you know if they did anything after you left?

A: No, I never heard back from them

Q: Did you ever follow up with the police?

A: No, because the police generally follow up with LGBT cases

Q: How do you know this?

A: Our President is homophobic. I have seen cases on the internet where people write about their experiences with the police

Q: What have you seen or heard?

A: A transgender woman was killed in the capital but the police did nothing about it. In favelas, many gay people get attacked but the police don't do anything

Q: Do you know anyone specific?

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Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

A: Yes, Lea, I don't know her last name. But she is a transgender woman. She was attacked by unknown individuals so she went to the police. But the police did not help her. I don't know the details but they told her they were not going to help her

Q: Any other physical harm we have not discussed?

A: No

Q: You mentioned earlier you were threatened countless times in your country. Tell me about the first time you were threatened

A: People would laugh at me saying things like I'm not worth anything, like those kinds of comments. Around May 2019, my classmates told me if I didn't change my courses, they were going to lynch me and kill me

Q: Were you threatened before May 2019?

A: Yes, ever since I was young but they were from strangers. They were more like jokes about my sexuality and how they wished I was dead

Q: Did your classmates say anything else?

A: Yes, they said I was not normal because I am gay. They told me I didn't belong there because I came from hell

Q: How many of them were saying those things to you?

A: About seven people. But pretty much everyone from school would say things like that on a daily basis. I was always alone. They alienated me for being gay

Q: Tell me about the last time you were threatened

A: Around August 2021, I met this married man online. He identified himself as a straight man but he would send me private messages to me saying that he liked me. But one day, he freaked out and said if anyone found out about his sexuality, he would know I was the responsible one. He said I would wake up dead if I told anyone

Q: Why do you think he was saying those things to you?

A: Because he was scared that others might find out and he was married. And he did not want to be associated with me because I am gay

Q: Any other reason why he was saying those things to you?

A: No

Q: Tell me about the worst threat you received

A: In 2018, I was passing a tire repair shop. A man said, "Gays like this one end up dead. They don't last long in this town." He started screaming and I was terrified

Q: Did he say anything else?

A: No, but I was scared. I was just a student and I was alone. He was with a group of people. They started walking behind me and kept on saying that they were going to kill me

Q: Why do you think he was saying those things to you?

A: Because I am gay

Q: Did you receive any of the threats you received to the police?

A: No, because the police in Brazil don't do anything to protect people like me

Q: To confirm, the only time you reported to the police was when you were slapped on New Year's Day, correct?

A: Yes, that is correct

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Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

Q: Any other reason why you did not report to the police?

A: I was just a student. And I would tell my mother and she did not want to get everyone involved. She didn't want everyone to know because she was still coping with it

Q: Had you reported the threats to the police, what do you believe the police would have done?

A: Nothing

Q: Why do you think the police would do nothing?

A: Because they are homophobic. They don't help the LGBT community. Like I mentioned earlier, a lot of LGBT people are harmed in my country but the police don't do anything

Q: You mentioned earlier you received about 5,000 threats. What were they like and who would say those things?

A: Random people would call me faggot and tell me I should not be there, I should be jailed, I should go to hell, things like that. I lived in fear but I felt like I couldn't get help from anyone. Strangers on the street would follow me around and threaten to kill me. They said I didn't belong there. I had to get out

Q: When did such threats begin?

A: Even before I came out because I was always effeminate. I believe I was about 12 years old when people started screaming inappropriate things calling me faggot and telling me to disappear. They would follow me when I was out. They would tell me to dress like a man and that I was not a woman

Q: When did such threats stop?

A: It never stopped until I left the country

Q: How did your experiences in Brazil affect you psychologically?

A: Very badly. I didn't want to go out anymore. I didn't want to go to the market. I was humiliated. There was so much contempt. I didn't feel the courage to go out in fear of what might happen to me. I was receiving death threats from adults ever since I was a kid. I was terrified. My mother was terrified. She was even scared to report to the police because she did not want to make the matter worse. She feared something worse might happen to me. I suffer from depression

Q: Have you seen a therapist or counselor?

A: I have gone to a psychologist a few times but not taking any medications

Q: What did your psychologist say about your condition?

A: My mother took me there three times after I came out. I talked to her about my experiences

Q: Were you diagnosed with depression?

A: No, but she gave me advice on how to deal with my feelings and what I can do to feel better

Q: Has anyone else ever harmed or threatened you in your country for any other reason?

A: No

FUTURE HARM

Q: What do you believe will happen to you if you return to Brazil?

A: I could be killed because I hope to transition. And transgender people in my country are treated terribly

Q: Who will do this to you?

A: People in my community

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Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

Q: Why will they do this to you?

A: Because it's a country with so much transphobia

Q: What makes you think they would still want to harm you?

A: Transgender people get killed all the time in my country

Q: Have you began to transition from a man to a woman?

A: I have taken hormones twice

Q: When did you start taking hormones?

A: August 2021

Q: When did you first realize you were transgender?

A: I always knew but I didn't have the courage to do that. Like I didn't want to make the matter worse with my family. I became certain about it about three years ago

Q: How did you realize this?

A: It was the matter of courage. I always liked feminine things. I liked their hair, their curves inspired me. I realized I wanted to be one and transition. It requires a lot of courage to reveal your true self and that is why it took me a while to transition

Q: Did you know other transgender people in your country?

A: Yes

Q: How were they treated?

A: Very badly. They are killed and attacked because people despise them. They think it is wrong for us to express ourselves. They struggle to find jobs because nobody wants them

Q: Have you taken any other steps to transition other than taking hormones?

A: Yes, I have been growing my hair out. And I plan on doing plastic surgery to be more like a woman

Q: Do you now live full-time as a woman?

A: As a man because I am not fully transitioned but I ask people to use "she" as my pronoun

Q: Does your family know you are transgender?

A: I only told my mother

Q: How did she react when she found out?

A: She said she hasn't accepted it fully yet. Because it makes her feel like she is losing her son and she doesn't know what to expect. But she hopes to learn to understand

Q: Have you received any threats for transitioning?

A: Not specifically for transitioning but the threats I received in my country were always about me not acting like a man people expect me to be. Random people in my community would make threats against me because they didn't like the way I walked, dressed and talked

Q: Have you received any other threats since you left the country?

A: No

Q: Do you talk to your friends or family in Brazil?

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Country: Brazil

Interview Date: 12/06/2021
Asylum Officer: ZAR 723
Location of Applicant: Eloy

A: My mother and aunt

Q: Have any of them said anything that makes you believe that they are looking for you?

A: No

Q: Have any of them been threatened or harmed?

A: No

Q: How would they know you are transgender?

A: My hair and my clothes, they can tell

Q: How will they know you returned to your country and be able to find you?

A: I lived in a tiny city. People may not know your name but everyone knows each other. Even if I go to a different city, because of how I look and act, they will be able to find me

Q: Do you think anyone from your country's government could protect you?

A: No, like I said LGBT people are getting killed and even our President is homophobic and he has said it many times

Q: Could you relocate and live safely in another part of Brazil?

A: No

Q: Why couldn't you live safely in another part of Brazil?

A: Brazil is a homophobic country

Q: Beside what we have already discussed, are you afraid to return to your country for any other reason?

A: No

CONVENTION AGAINST TORTURE

I am going to ask you a series of questions regarding mistreatment at the hands of public officials and persons associated with public officials. It is important you understand what I mean when I say "public officials." Public officials are people who work with or for the government in Brazil and have some type of authority. Public officials may include people such as police officers, soldiers, mayors, prosecutors, judges, and other government officials and employees.

Q: Do you understand who I am referring to when I say "public officials"?

A: Yes

Q: Have you ever experienced any mistreatment, threats or harm from any public official, such as the police or government in Brazil?

A: No

Q: Have you ever had any problems with the government or with anyone who works for the government?

A: No

Q: Are you afraid you could be harmed by public officials in the future?

A: Yes, I have seen on the news that transgender people receive threats from public officials. A transgender woman was pushed by a police officer and she hit her head when she fell. She died. But things like that happen a lot in Brazil

Q: Do you think any public official in your country would ask or allow someone to harm you?

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Country: Brazil

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Asylum Officer: ZAR 723
Location of Applicant: Eloy

A: Yes. I saw a video of the police hitting a transgender woman. Her hands and legs were tied. The responsible officers were never punished

Q: Do you know why the police did those things to her?

A: Simply for being a transgender woman

Q: Have you ever reported a crime to the police in your area and they refused to help you?

A: I don't remember the month but it happened a year ago. I called the police because a neighbor of mine was beaten by her husband. I called them and told them she was being physically harmed and they asked if I had any proof. I said if you come, you could see it yourself but they never came

Q: Any other incidents?

A: No

Q: Do you know of anyone in the LGBTI community anyone in your country who reported any incidents to the police and the police refused to help?

A: I told you about Guilherme earlier. He filed a report and never heard from the police. He was hospitalized but the police never followed up with him

Q: Did you understand the questions I asked you about public officials?

A: Yes

NEXUS QUESTIONS

Now I am going to ask you some questions that every applicant is required to answer. Some of them may not apply to you, but please answer each with yes or no.

In Brazil,

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your race or ethnicity?

A: No

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your religion?

A: No

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your political beliefs?

A: No

Q: Have you been threatened or harmed or do you fear being threatened or harmed because of your nationality?

A: No

Q: Is there something unique or different about you that other people in your community don't like?

A: My sexuality

Q: Is there anything about you that makes you different, or causes people in your community to treat you differently than they treat others?

A: I identify as a transgender woman

Q: Were you a member of any groups or organization in Brazil?

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A: No

Q: Have you ever been mistreated, threatened, or harmed by any member of your family or household, or a romantic partner?

A: No

Q: Has anyone in your family ever been threatened or physically harmed in your country?

A: No

POSSIBLE BARS

Q: Have you ever harmed anyone for any reason?

A: No

Q: Have you ever committed a crime in any country?

A: No

Q: Have you been arrested, convicted, or sentenced for a crime anywhere?

A: No

Q: Have you ever committed an armed act or an act that could be considered a terrorist act?

A: No

Q: Have you ever been a member of an armed group or a group that could be considered a terrorist group?

A: No

Q: Have you ever been a member of a criminal group, such as a gang, cartel or other organized criminal group?

A: No

Q: Have you ever served in your country's police or military services?

A: No

Q: Have you ever had any type of military or weapons training?

A: No

Q: Have you ever used weapons against others?

A: No

Q: Have you ever provided any type of support, like food, housing, money, weapons, or transportation to any person or group that uses weapons?

A: No

Q: Do you intend to do anything illegal in the United States?

A: No

Q: The information you provided will be used to determine whether or not you will be permitted to make your case for asylum or withholding of removal before the Immigration Judge. The interpreter will read you a paragraph explaining the possible outcomes of your case.

[Interpreter read Paragraph 3.2 from I-870]

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Q: Do you have any questions about what was just read?

A: No

SUMMARY OF MATERIAL FACTS

Q: Please give me a moment to summarize the information you provided during your interview, and then I'll read it back to you.

Q: I'm now going to read you a summary of your testimony. Since this is only a summary, it will not include everything that you've told me today. Please let me read the whole thing, and then you'll have a chance to make any corrections or changes at the end.

You testified that you were threatened and physically harmed by people in your community in Brazil. You believe they targeted you because of your sexuality. You did report one of the incidents to the police but the police never got back to you. You did not report any of the threats to the police because the police in Brazil are homophobic. You are afraid to return to Brazil because you believe you will be killed by the people in your community. You do not believe you could live anywhere in Brazil safely because Brazil is a homophobic country. You do not believe the police or government could protect you because they commit violence against the LGBTI community.

Q: Is this summary of your testimony accurate?

A: Yes

Q: Is there anything you would like for me to add or change to the summary of your testimony?

A: No

Q: Is there anything else that you would like to tell me about your claim that we have not yet discussed?

A: No

CONCLUSION

Q: Did you understand all the questions asked today?

A: Yes

Q: Did you understand the interpreter today?

A: Yes

Q: Interpreter, did you have any trouble understanding the applicant?

A: No

Q: (To applicant) Do you have any other questions for me before we finish?

A: No

Thank you for sharing your experiences with me. This concludes your credible fear interview. I wish you the best of luck.

End Time: 11:18 AM EST

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

A 220350514	COUNTRY: Brazil	APSO: Yuri Kim, ZAR 723	DATE: 12/6/2021
<ul style="list-style-type: none"> If there is a significant possibility of establishing eligibility for asylum or withholding of removal under 241(b)(3), complete A., B., and C only. If there is a significant possibility of establishing eligibility for protection under the Convention Against Torture, complete A., B., and D only. If there is not a significant possibility of establishing eligibility for asylum or withholding of removal under 241(b)(3) or for withholding or deferral of removal under the CAT pursuant to 8 CFR 208.16(c) or 208.17, complete Sections A., B., C., and D. as needed. 			
A. Harm (If yes to A.1. and/or A.2., move to Part B. If no to A.1. and A.2., STOP, and complete Form I-870.)			
<p>1. Has the applicant testified that he or she has experienced <u>past</u> harm in his or her country? If yes, identify any past harm or mistreatment suffered, and identify all relevant entit(ies).</p> <p>Harm: (1), (3) and (4) Threatened with death; (1) beaten with clubs, kicked; (2) Tripped, slapped Entities: (1) Classmates; (2) Unknown man; (3) Man met online; (4) Unknown individuals at a tire repair shop</p>			<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>2. Has the applicant testified that he or she fears <u>future</u> harm if returned to his or her country? If yes, identify any harm or mistreatment feared, and identify all relevant entit(ies).</p> <p>Harm: Death Entities: People in Rio Pardo</p>			<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>B. Credibility (Select the appropriate box.)</p> <ul style="list-style-type: none"> If testimony was credible and the overall CF determination is positive, check box B.1. and briefly explain what evidence supports this determination including addressing any credibility concerns and why in the totality of circumstances the applicant's testimony is credible despite these concerns. If testimony was credible but the overall CF determination is negative, check box B.1. and proceed to section C. If testimony was not credible, (1) check box B.2., (2) identify the credibility concern(s), (3) provide the applicant's explanation(s), and (4) address if the explanation is reasonable for each concern. After analyzing all relevant credibility factors, consider them in the totality of the circumstances) 			
<p>1. Applicant's testimony was credible: Considering the totality of the circumstances and all relevant factors, the applicant's testimony was consistent, detailed, and plausible. Therefore, it is found credible.</p> <p>The applicant's testimony was internally consistent and externally consistent with CBP documents. The applicant provided consistent and detailed testimony regarding the incidents of harm. The applicant was responsive to the questions asked.</p> <p>Given the totality of the circumstances, including the applicant's sophistication, education, and personal circumstances, and evaluating the record as a whole, the applicant is found to be credible.</p>			<p><input checked="" type="checkbox"/></p>
<p>2. Applicant's testimony was not credible: Considering the identified credibility concern(s), the absence of reasonable explanations for those concerns, and taking into consideration the applicant's individual circumstances, the applicant's testimony is found not credible under the totality of the circumstances and all relevant factors, and, considering any relevant evidence including the types of evidence set out in 208.16(c)(3), there is no non-testimonial evidence that establishes a credible fear of persecution or torture.</p>			<p><input type="checkbox"/></p>
C. Persecution (If yes to C.1. or C.2., complete C.3. If no to C.1. and C.2., complete C.3.)			
<p>1. <u>Past Persecution:</u> There is a significant possibility the applicant can establish in a full hearing that:</p> <ul style="list-style-type: none"> The harm experienced was sufficiently serious to amount to persecution; The entity that harmed the applicant was motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion; and The entity that harmed the applicant was an agent of the government or an entity that the government was unable or unwilling to control. 			<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>

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CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

<p>If the applicant has established a significant possibility of establishing eligibility for asylum based on past persecution, he or she has established a credible fear of persecution. Stop and complete C.3.</p>	
<p>2. <u>Future Persecution</u>: There is a significant possibility that the applicant can establish in a full hearing that:</p> <ul style="list-style-type: none"> • The applicant fears harm that is sufficiently serious to amount to persecution; • The applicant either: <ol style="list-style-type: none"> 1) <u>possesses</u> a protected characteristic, 2) of which the feared entity is or could become <u>aware</u> or the feared entity believes that the applicant possesses a protected characteristic, 3) the feared entity has the <u>capability</u> to persecute the applicant, and 4) the feared entity has the <u>inclination</u> to persecute the applicant; <p>OR</p> <p>there is a pattern or practice of persecution of a group of persons similarly situated to the applicant on account of a protected ground;</p> <ul style="list-style-type: none"> • The entity would be motivated to harm the applicant on account of his or her race, religion, nationality, membership in a particular social group, or political opinion; • The entity that would harm the applicant would be an agent of the government or an entity that the government would be unable or unwilling to control; and • <i>If feared entity is government or government sponsored</i>, the applicant’s internal relocation is presumed unreasonable. Consider whether that presumption is rebutted by a preponderance of the evidence that the applicant would be able to avoid future persecution in another part of the country and that the applicant’s relocation within the country would be reasonable; or • <i>If feared entity is not a government or government sponsored</i>, the applicant has the burden to show a significant possibility that he/she would be unable to avoid future persecution in another part of the country and that the applicant’s relocation within the country would be unreasonable. 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>3. <u>Written Analysis</u>:</p> <p>Race <input type="checkbox"/> Religion <input type="checkbox"/> Nationality <input type="checkbox"/> Membership in a Particular Social Group <input checked="" type="checkbox"/> Political Opinion <input type="checkbox"/></p> <p><i>If credible fear of persecution established, identify the protected ground and specify:</i> Sexual minorities in Brazil</p> <p><i>As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the significant possibility standard to the facts.</i></p> <p>Nexus: There is a significant possibility the applicant can establish in a full hearing that he suffered past persecution on account of his membership in the particular social group "sexual minorities in Brazil." Sexual orientation is an immutable characteristic, meaning that that it is a characteristic that an individual cannot change. The group is defined with particularity because there are clear benchmarks for determining who falls within the group that contains lesbian, gay, bisexual, transgender, and intersex individuals. The group is socially distinct in Brazilian society, as documented in country conditions, which indicate: Although Brazil has a largely tolerant society, it reportedly has one of the world’s highest levels of violence against LGBT+ people. According to Grupo Gay da Bahia, an LGBT+ advocacy organization, 297 LGBT+ people were killed in 2019 as a result of homophobic violence, marking a nearly 30 percent drop from the group’s figures for the previous year. Grupo Gay reported 152 murders of transgender Brazilians between October 2019 and September 2020, a small rise from the previous period. See Freedom House: Freedom in the World 2021 - Brazil, 3 March 2021 https://www.ecoi.net/en/document/2046501.html (accessed on 6 December 2021).</p> <p>The applicant testified that he has been threatened and harmed in the past on multiple instances. Ever since he was 12, he received death threats from people in his community. They would follow him, tell him to disappear, and call him “faggot”. In 2018, the applicant was threatened by a group of unknown individuals who threatened to kill the applicant and told him “gays like this one end up dead.” In June 2019, his classmates threatened to disappear him and beat him with their clubs and cleats. They told him people like him should die and should not be around normal people. The applicant’s mother reported the incident to the school administrator. However, nothing was done about it. The applicant testified that everyone at school would mock and threaten him on a daily basis; in May 2019, his classmates threatened to kill him if he did not change his courses because he “did not belong there because I came from hell” for being gay. In</p>	

EOIR - 25 of 27

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

January 2021, the applicant was followed by an unknown man who told him he was good looking and wanted to stay with him. When the applicant refused, the man tripped and slapped him twice. The applicant believes the man targeted him because he was effeminate. He reported such harm to the police but the police never followed up with the applicant. In August 2021, the applicant met a married man online who identified himself as a straight man. He would send private messages to the applicant telling him that he wanted to be with him. The man told the applicant he would kill him if anyone found out about the messages. The applicant believes the man threatened him because he did not want to be associated with him for being gay. The applicant received countless death threats until he left the country, which in and of itself is serious enough to amount to persecution. See *Navas v. INS*, 217 F.3d 646, 658 (9th Cir. 2000) (death threats alone may constitute persecution). Additionally, the applicant was only 12 years old when he first started receiving death threats from people in his community. The applicant testified that he suffers from depression due to threats and harassment he received in his country. Homophobic comments made by people in his community indicate that the motivation of the threats was on account of his sexual orientation. The applicant testified that he did not report any of the death threats to the police because the government in Brazil is homophobic.

Country conditions reports corroborate his testimony:

“Violence against LGBTI individuals was a serious concern. The Federal Public Ministry is responsible for registering reports of crimes committed on the basis of gender or sexual orientation but reportedly was slow to respond. Transgender individuals were particularly at risk of being the victims of crime or committing suicide. According to the NGO Grupo Gay da Bahia, the risk for a transgender person of being killed was 17 times greater than for a gay person. According to the National Association of Transvestites and Transsexuals in Brazil, in partnership with the Brazilian Institute of Trans Education, 124 transgender men and women were killed in 2019, compared with 163 in 2018. Police arrested suspects in only 9 percent of the cases. According to some civil society leaders, underreporting of crimes was rampant, because many LGBTI persons were afraid they might experience discrimination or violence while seeking services from law enforcement authorities.”

See USDOS – US Department of State: 2020 Country Report on Human Rights Practices: Brazil, 30 March 2021 <https://www.ecoi.net/en/document/2048386.html> (accessed on 6 December 2021).

The notorious killing in 2018 of Marielle Franco, a defender of LGBTI, Black and women’s rights, and her driver, Anderson Gomes, highlighted the obstacles faced in obtaining justice and reparations for attacks on human rights defenders. Two men were charged with carrying out the killings. However, two years after the death, investigations had yet to establish who was behind the killings.

See AI – Amnesty International: Amnesty International Report 2020/21; The State of the World's Human Rights; Brazil 2020, 7 April 2021 <https://www.ecoi.net/en/document/2048645.html> (accessed on 6 December 2021).

D. Torture (Make a selection in D.1. and, as needed, complete D.2.)

D.1. There is a **significant possibility** the applicant can establish in a full hearing that:

- The feared harm would be specifically intended to inflict severe pain or suffering on the applicant;
- The feared harm would constitute severe physical or mental pain or suffering;
- The feared harm would be inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity;
- The applicant would be in the offender’s custody or physical control; **and**
- The harm would not arise only from or be inherent in or incidental to lawful sanctions.

Yes

No

In making this determination, the following evidence relating to the possibility of future torture must be considered:

- Evidence of past torture inflicted upon the applicant;

CREDIBLE FEAR DETERMINATION CHECKLIST AND WRITTEN ANALYSIS

<ul style="list-style-type: none">• Evidence that the applicant could relocate to a part of the country of removal where he or she is not likely to be tortured;• Evidence of gross, flagrant or mass violations of human rights within the country of removal; <i>and</i>• Other relevant information regarding conditions in the country of removal.	
<p>D.2. <u>Written Analysis:</u> <i>As needed, provide a brief reasoned analysis. Focus on determinative factors, applying the significant possibility standard to the facts.</i></p>	

Exhibit 3

Notice to EOIR: Alien Address

Date: December 10, 2021

File No: A220 350 514

PMH
12-21-21
Pro SC

To: Office of the Immigration Judge
Executive Office for Immigration Review
1705 East Hanna Road
Eloy, Arizona 85131

From: Field Office Director, Phoenix Enforcement and Removal Operations
Immigration and Customs Enforcement
1705 East Hanna Road
Eloy, Arizona 85131

Respondent: **ROCHA Silveira, Joao Lucas**

This is to notify you that the respondent is:

Currently incarcerated by other than ICE. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

His/her anticipated release date is: _____

Currently detained by ICE at: _____

Currently detained by ICE and transferred this date to a new location: _____

ICE motion for change of venue attached. Yes No

Released from ICE custody on the following condition(s)

Personal Recognizance

Order of recognizance (form I-220A)

Bond in the amount of Surety Bond Cash bond

Other: **Parole Release**

2021 DEC 14 AM 5:53

Upon release from ICE custody, the respondent reported his/her address and telephone number will be:

602 Main Street
Pittsburgh, PA 15202
(412) 808-8340

Upon release from ICE custody, the respondent was reminded of the requirements contained in section 239(a)(1)(F)(ii) of the Immigration and Nationality Act and was provided with an EOIR change of address form (EOIR-33).



(Signature of ICE official)

A. Standridge

(Printed name of ICE official)

DEPORTATION OFFICER

(Title of ICE official)

ELOY, ARIZONA

(Location)

Exhibit 4

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1705 E. HANNA RD.
ELOY, AZ 85131

RE: ROCHA SILVEIRA, JOAO LUCAS
FILE: A220-350-514

DATE: Dec 10, 2021

TO:
ROCHA SILVEIRA, JOAO LUCAS
ELOY DETENTION CENTER
1705 E HANNA RD
ELOY, AZ 85131

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Dec 21, 2021 at 10:30 A.M. at:

1705 EAST HANNA RD., SUITE 366
ELOY, AZ 85131

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT ELOY, AZ THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 304-625-2050. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [M] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [M] DHS
DATE: 12/10/2021 BY: COURT STAFF C. PRICE V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Exhibit 5

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
1705 E. HANNA RD.
ELOY, AZ 85131

RE: ROCHA SILVEIRA, JOAO LUCAS
FILE: A220-350-514

DATE: Dec 10, 2021

TO:
ROCHA SILVEIRA, JOAO LUCAS
ELOY DETENTION CENTER
1705 E HANNA RD
ELOY, AZ 85131

RETURNED TO SENDER

REASON CHECKED

UNABLE TO ID/NO A #

Please take notice that the above captioned case has been scheduled for a MASTER hearing before the Immigration Court on Dec 21, 2021 at 10:30 A.M. at

1705 EAST HANNA RD., SUITE 366
ELOY, AZ 85131

DETAINEE RELEASED

You may be represented in these proceedings, at no expense to the government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT ELOY, AZ THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 304-625-2050. For information on Immigration Court procedures, please consult the Immigration Court Practice Manual, available at www.usdoj.gov/eoir.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] ALIEN [M] ALIEN c/o Custodial Officer [] ALIEN's ATT/REP [M] DHS
DATE: 12/10/2021 BY: COURT STAFF C. PRICE V3
Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Exhibit 6

Notice to EOIR: Alien Address

Date: December 10, 2021

File No: A220 350 514

PMH
12-21-21
Pro SC

To: Office of the Immigration Judge
Executive Office for Immigration Review
1705 East Hanna Road
Eloy, Arizona 85131

From: Field Office Director, Phoenix Enforcement and Removal Operations
Immigration and Customs Enforcement
1705 East Hanna Road
Eloy, Arizona 85131

Respondent: **ROCHA Silveira, Joao Lucas**

This is to notify you that the respondent is:

Currently incarcerated by other than ICE. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

His/her anticipated release date is: _____

Currently detained by ICE at: _____

Currently detained by ICE and transferred this date to a new location: _____

ICE motion for change of venue attached. Yes No

Released from ICE custody on the following condition(s)

Personal Recognizance

Order of recognizance (form I-220A)

Bond in the amount of Surety Bond Cash bond

Other: Parole Release

2021 DEC 14 AM 5:53

Upon release from ICE custody, the respondent reported his/her address and telephone number will be:

602 Main Street
Pittsburgh, PA 15202
(412) 808-8340

Upon release from ICE custody, the respondent was reminded of the requirements contained in section 239(a)(1)(F)(ii) of the Immigration and Nationality Act and was provided with an EOIR change of address form (EOIR-33).



(Signature of ICE official)

DEPORTATION OFFICER

(Title of ICE official)

A. Standridge

(Printed name of ICE official)

ELOY, ARIZONA

(Location)



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELOY IMMIGRATION COURT

Respondent Name:
ROCHA SILVEIRA, JOAO LUCAS
To:
ROCHA SILVEIRA, JOAO LUCAS
602 MAIN ST
PITTSBURGH, PA 15202

Alien Registration Number:
220350514
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
12/14/2021

ORDER OF THE IMMIGRATION JUDGE

Upon due consideration of Respondent's the Department of Homeland Security's motion for change of venue filed in the above-captioned matter, and having been satisfied that the non-moving party was accorded notice and an opportunity to respond, the immigration court finds that good cause was shown. *See* 8 C.F.R. § 1003.20(b). It is hereby ordered that the motion for change of venue is granted. Venue is changed to Philadelphia, PA. If this case is being moved from an electronic filing enabled court to a non-electronic filing enabled court, the parties must follow the existing paper filing procedures at the new court.

The immigration court with administrative control court over this hearing location is:
Philadelphia Immigration Court

Robert Nix Federal Bldg and Courthouse
900 Market Street, Suite 504
Philadelphia, PA 19107

Respondent's new address is:
ROCHA SILVEIRA, JOAO LUCAS

602 MAIN ST

PITTSBURGH, PA 15202

Respondent's new attorney/representative (if any) is

Immigration Judge: Habich, Paul 12/14/2021

Certificate of Service

This document was served:

Via: M] Mail | P] Personal Service | E] Electronic Service

To:] Alien | M] Alien c/o custodial officer |] Alien's atty/rep. | M] DHS

By: ao, Court Staff

Date: 12/14/2021

OFFICE OF THE IMMIGRATION JUDGE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
1705 E. Hanna Rd., Room 366
Eloy, Arizona 85131

IN THE MATTER OF

IN REMOVAL PROCEEDINGS

ROCHA Silveira, Joao Lucas

Respondent
(Demandado)

A: 220 350 514
(No. de Registro)

MOTION FOR CHANGE OF VENUE

The Respondent has paroled out and will be residing at the following address:

ROCHA Silveira, Joao Lucas


602 Main Street

Pittsburgh, PA 15202

Respondent's request is that his case be transferred to the Immigration Court that covers his area of residence.

December 10, 2021

Date


Signature of Respondent

NOTE: (If mailed with hearing Notice)

If you would like for your case to be transferred to the area closer to your place of residence, please fill out form and return to our office.

(Si usted desea que su caso se cambie a la oficina mas cercana al area donde reside, complete esta hoja y devuelva a nuestra oficina.)

CC:

ICE Trial Attorney's Office
1705 E. Hanna Rd., Room 353
Eloy, Arizona 85131

2021 DEC 14 AM 5:53

EOIR - 1 of 1

Exhibit 7

NOTICE OF HEARING IN REMOVAL PROCEEDINGS
IMMIGRATION COURT
900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

LEAD FILE: 220-350-514

RE: 220-350-514 ROCHA SILVEIRA, JOAO LUCAS

DATE: Dec 15, 2021

TO:

ROCHA SILVEIRA, JOAO LUCAS
602 MAIN ST
PITTSBURGH, PA 15202

Please take notice that the above captioned case has been scheduled for a/an MASTER hearing before the Immigration Court on Jun 22, 2022 at 1:00 P.M. at:
900 MARKET STREET, SUITE 504
PHILADELPHIA, PA 19107

You may be represented in these proceedings, at no expense to the Government, by an attorney or other individual who is authorized and qualified to represent persons before an Immigration Court. Your hearing date has not been scheduled earlier than 10 days from the date of service of the Notice to Appear in order to permit you the opportunity to obtain an attorney or representative. If you wish to be represented, your attorney or representative must appear with you at the hearing prepared to proceed. You can request an earlier hearing in writing.

Failure to appear at your hearing except for exceptional circumstances may result in one or more of the following actions: (1) You may be taken into custody by the Department of Homeland Security and held for further action. OR (2) Your hearing may be held in your absence under section 240(b)(5) of the Immigration and Nationality Act. An order of removal will be entered against you if the Department of Homeland Security established by clear, unequivocal and convincing evidence that a) you or your attorney has been provided this notice and b) you are removable.

IF YOUR ADDRESS IS NOT LISTED ON THE NOTICE TO APPEAR, OR IF IT IS NOT CORRECT, WITHIN FIVE DAYS OF THIS NOTICE YOU MUST PROVIDE TO THE IMMIGRATION COURT PHILADELPHIA, PA THE ATTACHED FORM EOIR-33 WITH YOUR ADDRESS AND/OR TELEPHONE NUMBER AT WHICH YOU CAN BE CONTACTED REGARDING THESE PROCEEDINGS. EVERYTIME YOU CHANGE YOUR ADDRESS AND/OR TELEPHONE NUMBER, YOU MUST INFORM THE COURT OF YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER WITHIN 5 DAYS OF THE CHANGE ON THE ATTACHED FORM EOIR-33. ADDITIONAL FORMS EOIR-33 CAN BE OBTAINED FROM THE COURT WHERE YOU ARE SCHEDULED TO APPEAR. IN THE EVENT YOU ARE UNABLE TO OBTAIN A FORM EOIR-33, YOU MAY PROVIDE THE COURT IN WRITING WITH YOUR NEW ADDRESS AND/OR TELEPHONE NUMBER BUT YOU MUST CLEARLY MARK THE ENVELOPE "CHANGE OF ADDRESS." CORRESPONDENCE FROM THE COURT, INCLUDING HEARING NOTICES, WILL BE SENT TO THE MOST RECENT ADDRESS YOU HAVE PROVIDED, AND WILL BE CONSIDERED SUFFICIENT NOTICE TO YOU AND THESE PROCEEDINGS CAN GO FORWARD IN YOUR ABSENCE.

A list of free legal service providers has been given to you. For information regarding the status of your case, call toll free 1-800-898-7180 or 304-625-2050.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY:

MAIL PERSONAL SERVICE ELECTRONIC SERVICE

TO: ALIEN ALIEN c/o Custodial Officer ALIEN's ATT/REP DHS

DATE: 12/15/21 BY: COURT STAF: L. DABNEY

Attachments: EOIR-33 EOIR-26 Legal Services List PHN T3

Exhibit 8



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
PHILADELPHIA IMMIGRATION COURT

Respondent Name:

ROCHA SILVEIRA, JOAO LUCAS

To:

ROCHA SILVEIRA, JOAO LUCAS
602 MAIN ST
PITTSBURGH, PA 15202

A-Number:

220350514

Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/24/2022

ORDER OF THE IMMIGRATION JUDGE

Respondent was provided written notification of the time, date and location of Respondent's removal hearing. Respondent was also provided a written warning that failure to appear at the hearing, except for exceptional circumstances as defined in Immigration and Nationality Act (INA) § 240(e)(1), may result in the hearing being held in Respondent's absence under INA § 240(b)(5) and an order of removal being entered if the Department of Homeland Security (DHS) establishes by clear, unequivocal and convincing evidence that Respondent or Respondent's representative has been provided this notice and that Respondent is removable.

Despite the written notification provided, Respondent failed to appear at the hearing, and no exceptional circumstances were shown for the failure to appear. Therefore, the immigration court conducted the hearing *in absentia*. At the hearing, the immigration court determined that:

- At a prior hearing, Respondent admitted the factual allegations in the Notice to Appear and conceded removability. The immigration court finds removability established as charged.
- The DHS submitted documentary evidence relating to Respondent that established the truth of the factual allegations contained in the Notice to Appear. The immigration court finds removability established as charged.

The immigration court further finds that Respondent's failure to appear constitutes an abandonment of any pending applications for relief or protection from removal and any applications the respondent may have been eligible to file. Those applications are deemed abandoned and denied for lack of prosecution.

ORDER: Respondent shall be removed to Brazil, or in the alternative to on the charge(s) contained in the Notice to Appear.



Immigration Judge: Scott, Joseph 06/24/2022

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service

To: [M] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

By: Wright, Jacquelyn , Court Staff

Date: 07/11/2022

Exhibit 9

Important: Please note only data that has clinical mapping will be shared/transmitted.

The following sections represent the most current data on record and are not specific to the date of the Visit: Demographics, Social History, Problems, Allergies, Immunizations, Health Concerns, and Medical Equipment (UDI).

Patient Details

Patient name JOAO SILVEIRA	Contact info 2250 EVENGLOW AVE SPRING HILL, FL 34609-3906, US	Patient IDs 11351 11351
February 27, 2003	tel:352-296-5146	Sex Female

LANGUAGE
Portuguese

RACE
, Other Race

ETHNICITY

Care Giver Antonio Luis
7800 66TH ST N
Contact Info STE 204
PINELLAS PARK, FL 33781-2101, US
Tel: 727-753-7787

Allergies

Not available by practice discretion. Please contact the practice.

Results

No Results

Reason For Referral

No Information

REASON FOR VISIT

Not available by practice discretion. Please contact the practice.

Medications

Medication	SIG (Take, Route, Frequency, Duration)	Notes	Start Date	End Date	Status
Spironolactone 100 MG Tablet	1 tablet with food Orally twice a day; Duration: 30 days		10/14/2025		Active
Estradiol 2 MG Tablet	1 tablet Orally twice a day; Duration: 30 days		10/14/2025		Active

Estradiol 2 MG Tablet	Oral		08/07/2024	Active
Descovy 200-25 mg Tablet	Oral		08/07/2024	Not-Taking

Immunizations

No Information

Social History

Sex Assigned At Birth:

Social History Observation	Description
Sex Assigned At Birth	Male

Problems

Problem Type	SNOMED Code	ICD Code	Onset Dates	Problem Status	W/U Status	Risk	Notes
Problem	Gender identity disorder (87991007)	Gender identity disorder, unspecified (F64.9)	11/21/2024	Active	confirmed		
Problem	Elevated blood pressure reading without diagnosis of hypertension (371622005)	Elevated blood-pressure reading, without diagnosis of hypertension (R03.0)	11/21/2024	Active	confirmed		
Problem	Exposure to Human immunodeficiency virus (444356002)	Contact with and (suspected) exposure to human immunodeficiency virus [HIV] (Z20.6)	11/21/2024	Active	confirmed		

Vital Signs

Temperature	97.8 degrees Fahrenheit	10/14/2025
Blood pressure systolic	118 mm Hg	10/14/2025
Blood pressure diastolic	75 mm Hg	10/14/2025
Heart Rate	96 /min	10/14/2025
Respiratory Rate	18 /min	10/14/2025
Height	68.00 in	10/14/2025
Weight	421.08 lbs	10/14/2025
BMI	64.02 kg/m2	10/14/2025
Oximetry	98 %	10/14/2025
Height-cm	172.72 cm	10/14/2025
Weight-kg	191 kg	10/14/2025

Procedures

No Information

Encounters

Encounter	Location	Date	Provider	Diagnosis
Inclusive Care Group Tampa	1246 RAY CHARLES BLVD TAMPA, FL 33602-3028	10/14/2025	Antonio Luis	Contact with and (suspected) exposure to human immunodeficiency virus [HIV] Z20.6 ; Gender identity disorder, unspecified F64.9 and Elevated blood-pressure reading, without diagnosis of hypertension R03.0

Medical Equipment

No Information

Assessments

Encounter Date	Diagnosis (ICD Code)	Treatment Notes	Section Notes
10/14/2025	Contact with and (suspected) exposure to human immunodeficiency virus [HIV] (ICD-10 - Z20.6)		
10/14/2025	Gender identity disorder, unspecified (ICD-10 - F64.9)		
10/14/2025	Elevated blood-pressure reading, without diagnosis of hypertension (ICD-10 - R03.0)		

Plan Of Treatment

Medication

Medication Name	Sig	Start Date	Stop Date	Notes
Spironolactone 100 MG Tablet	1 tablet with food Orally twice a day; Duration: 30 days	10/14/2025		
Estradiol 2 MG Tablet	1 tablet Orally twice a day; Duration: 30 days	10/14/2025		

Next Appt

Details

Follow Up: 4 Weeks, Reason:

Provider Name:Antonio Luis, 11/18/2025 11:40:00 AM, 1246 RAY CHARLES BLVD, TAMPA, FL, 33602-3028, 727-753-7787

Goals Section

No Information

Health Concerns

No Information

History and Physical Notes

HPI (History of Present Illness)

Category	Sub-Category	Detail	Notes	Category Notes
				gac- has identified herself as trans for >5 years. Has great social support and working. no si/hi -Has not taken estradiol injections for about a month. but sitll taking spiro. Not liking injections. would like to go back to piulls. Not smoking cigarettes. denies cp, sob, n,v,d, c
FollowUp	Visit			

Care team

Emergency contact	MATEUS
Contact info	Tel: 407-756-3703
Guarantor	JOAO SILVEIRA
Contact info	Tel: 352-296-5146

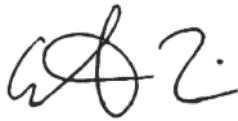
©Powered by eClinicalWorks

November 6th, 2024

Antonio Luis, MD
Inclusive Care Group
7800 66th St N Ste 204
Pinellas Park, FL 33781

To whom it may concern,

Graziella Silveira, legal name Joao Silveira, dob 2/27/2003, is currently under my care as their primary care physician. I have evaluated the above named patient and diagnosed them with Gender Incongruence and Dysphoria (F64.0) in line with DSM-5 criteria and have received gender affirming hormone therapy since 4/2024. I declare under penalty of perjury under the laws of the United States that forgoing is true and correct.



Antonio Luis, MD
Medical License: ME 150972
NPI: 1396971370
DEA FL 3106728

Exhibit 10

Department of Health • Vital Statistics
STATE OF FLORIDA
MARRIAGE RECORD
 TYPE IN UPPER CASE
 USE BLACK INK
 This license not valid unless seal of Clerk,
 Circuit or County Court, appears thereon.

(STATE FILE NUMBER)

2025ML2303383
 (APPLICATION NUMBER)

APPLICATION TO MARRY			
1. NAME OF SPOUSE (First, Middle, Last) JOAO SILVEIRA		1b. MAIDEN SURNAME (if applicable) SILVEIRA	2. DATE OF BIRTH (Month, Day, Year) 02/27/2003
3a. RESIDENCE - CITY, TOWN, OR LOCATION INVERNESS	3b. COUNTY CITRUS	3c. STATE FLORIDA	4. BIRTHPLACE (State or Foreign Country) BRAZIL
5. NAME OF SPOUSE (First, Middle, Last) JACOB PAUL JONES		5b. MAIDEN SURNAME (if applicable) JONES	6. DATE OF BIRTH (Month, Day, Year) 03/11/2002
7a. RESIDENCE - CITY, TOWN, OR LOCATION INVERNESS	7b. COUNTY CITRUS	7c. STATE FLORIDA	8. BIRTHPLACE (State or Foreign Country) FLORIDA
WE THE APPLICANTS NAMED IN THIS CERTIFICATE, EACH FOR HIMSELF OR HERSELF, STATE THAT THE INFORMATION PROVIDED ON THIS RECORD IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THAT NO LEGAL OBJECTION TO THE MARRIAGE NOR THE ISSUANCE OF A LICENSE TO AUTHORIZE THE SAME IS KNOWN TO US AND HEREBY APPLY FOR LICENSE TO MARRY			
9. SIGNATURE OF SPOUSE (Sign full name using black ink) <i>Joao Silveira</i>		10. SUBSCRIBED AND SWORN TO BEFORE ME ON (DATE) 07/09/2025	
11. TITLE OF OFFICIAL TRACI PERRY, CLERK OF COURTS		12. SIGNATURE OF OFFICIAL (Use black ink) <i>Traci Perry</i>	
13. SIGNATURE OF SPOUSE (Sign full name using black ink) <i>Jacob Paul Jones</i>		14. SUBSCRIBED AND SWORN TO BEFORE ME ON (DATE) 07/09/2025	
15. TITLE OF OFFICIAL TRACI PERRY, CLERK OF COURTS		16. SIGNATURE OF OFFICIAL (Use black ink) <i>Traci Perry</i>	
LICENSE TO MARRY			
AUTHORIZATION AND LICENSE IS HEREBY GIVEN TO ANY PERSON DULY AUTHORIZED BY THE LAWS OF THE STATE OF FLORIDA TO PERFORM A MARRIAGE CEREMONY WITHIN THE STATE OF FLORIDA AND TO SOLEMNIZE THE MARRIAGE OF THE ABOVE NAMED PERSONS THIS LICENSE MUST BE USED ON OR AFTER THE EFFECTIVE DATE AND ON OR BEFORE THE EXPIRATION DATE IN THE STATE OF FLORIDA IN ORDER TO BE RECORDED AND VALID			
17. COUNTY ISSUING LICENSE CITRUS	18. DATE LICENSE ISSUED 07/09/2025	18a. DATE LICENSE EFFECTIVE 07/12/2025	19. EXPIRATION DATE 09/07/2025
20a. SIGNATURE OF COURT CLERK OR JUDGE <i>Traci Perry</i>		20b. TITLE CLERK OF THE COURT	20c. BY D.C. HH
CERTIFICATE OF MARRIAGE			
I HEREBY CERTIFY THAT THE ABOVE NAMED SPOUSES WERE JOINED BY ME IN MARRIAGE IN ACCORDANCE WITH THE LAWS OF THE STATE OF FLORIDA			
21. DATE OF MARRIAGE (Month, Day, Year) July 14, 2025		22. CITY, TOWN, OR LOCATION OF MARRIAGE 2659 E. Gulf To Lake Highway Inverness FL 34453	
23a. SIGNATURE OF PERSON PERFORMING CEREMONY (Use black ink) <i>Maria</i>		23c. ADDRESS (Of person performing ceremony) 2659 E. Gulf To Lake Highway Inverness FL 34453	
23b. NAME AND TITLE OF PERSON PERFORMING CEREMONY (Or notary stamp) MARIA JENNETH H. JONES Notary Public - State of Florida Commission # HH 677728 My Comm. Expires May 20, 2029 Bonded through National Notary Assn.		24. SIGNATURE OF WITNESS TO CEREMONY (Use black ink) <i>Kayla Hardin</i>	
		25. SIGNATURE OF WITNESS TO CEREMONY (Use black ink) <i>[Signature]</i>	
INFORMATION BELOW FOR USE BY VITAL STATISTICS ONLY. NOT TO BE RECORDED			

Unique Code : BAA-CACCBGCCAEIEB-BCABH-CACFAECHAIFDCHFF-H Page 1 of 1



SEAL

CERTIFIED TO BE A TRUE COPY
 TRACI PERRY
 CLERK OF THE CIRCUIT COURT
 AND COMPTROLLER
 BY *[Signature]* D.C.
 THIS 15 DAY OF July 20 25



DH Form 743, D12015, Florida Administrative Code Rule 64V-1.020 (Obsoletes Previous Editions)

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF AN OFFICIAL RECORD OR A DOCUMENT FILED IN THE OFFICE OF THE CITRUS COUNTY CLERK OF THE CIRCUIT COURT AND COMPTROLLER. THIS DOCUMENT MAY HAVE REDACTIONS AS REQUIRED BY LAW.



Digitally signed by Traci L Perry
 Date: 2025.07.15 14:10:16 -04:00
 Citrus County Clerk of the Circuit Court and Comptroller
 Location: 120 North Montgomery Ave., Inverness, FL 34450

Exhibit 11

BUREAU of VITAL STATISTICS

CERTIFICATION OF BIRTH

STATE FILE NUMBER: 109-2002-033896

DATE ISSUED: SEPTEMBER 23, 2025

DATE FILED: MARCH 14, 2002

CHILD'S NAME: JACOB PAUL JONES

DATE OF BIRTH: MARCH 11, 2002

SEX: MALE

COUNTY OF BIRTH: CITRUS COUNTY

MOTHER'S NAME: LISA ANN PRUITT
(NAME PRIOR TO FIRST MARRIAGE, IF APPLICABLE)

FATHER'S NAME: WILLIAM STEWART JONES



, STATE REGISTRAR

APP: 2025719220

REQ: 2028289796

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.

WARNING:

THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH WATERMARKS OF THE GREAT SEAL OF THE STATE OF FLORIDA. DO NOT ACCEPT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARKS. THE DOCUMENT FACE CONTAINS A MULTICOLORED BACKGROUND, GOLD EMBOSSED SEAL, AND THERMOCHROMIC FL. THE BACK CONTAINS SPECIAL LINES WITH TEXT. THE DOCUMENT WILL NOT PRODUCE A COLOR COPY.



* 4 8 4 6 5 4 6 1 *

DH FORM 1946 (08/01/2022)

C 45 CERTIFICATION OF VITAL RECORD



Exhibit 12

FDLE

Florida Department of
Law Enforcement

J. Mark Glass
Commissioner

Criminal Justice Information Services
Post Office Box 1489
Tallahassee, Florida 32302-1489
(850) 410-7100
www.fdle.state.fl.us

Ron DeSantis, Governor
Ashley Moody, Attorney General
Jimmy Patronis, Chief Financial Officer
Wilton Simpson, Commissioner of Agriculture

February 07, 2025

JOAO SILVEIRA
9002 SHINE DRIVE
KISSIMEE, FL 34747

Dear Sir or Madam:

Based on the information provided, a search through the files of the Florida Department of Law Enforcement has returned no Florida record for the following individual:

JOAOLUCAS SILVEIRA

Race - Unknown

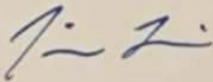
Sex - Male

DOB - 02/27/2003

SSN - N/A


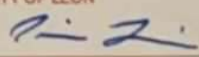
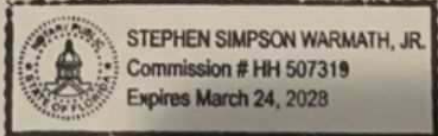

Failure to supply the required information (name, race, sex and date of birth) will greatly reduce our chances of reasonably associating your subject with a possible record in our extensive files. If we may be of further assistance, do not hesitate to contact Criminal History Services at (850) 410-8161.

Sincerely,



Tillman Lewis
Criminal Justice Information Analyst
II
Criminal History Services

TL/aw

	STATE OF FLORIDA COUNTY OF LEON 
	Administrator, Criminal History Services Florida Dept. of Law Enforcement Sworn and subscribed before me by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this 7 day of FEBRUARY 20 25
	By <u>Tillman Lewis</u> who is personally known to me 



No 074001822026

Ministry of Justice and Public Security
Federal Police

ePol-SINIC
National Criminal Information System
Police Certificate

The Federal Police **CERTIFIES**, after a search in the National Criminal Information System - SINIC, that, as of this date, **THERE IS NO** final conviction recorded in the name of **JOÃO LUCAS ROCHA SILVEIRA**, Brazilian nationality, son of CELIO SILVEIRA and ANA KEZIA ALMEIDA ROCHA SILVEIRA, born on 02/27/2003, from Espigão D'Oeste-RO CPF 015.630.152-00, passport YE640548.

This certificate was issued on **03/18/2026 at 3:30 p.m.** (Brasília/DF time GMT-3) based on the information provided and will only be valid upon presentation of an identification document for data confirmation.

The authenticity of this certificate can be confirmed by scanning the QR Code or by accessing the Federal Police website at "<https://servicos.pf.gov.br/epol-sinic-publico/validar-cacf>", and entering the certificate number 074001822026.

I, André Vinícius Inacio Penna Mello, telephone number 415 425-2508, mailing address P.O. Box 90487, San Diego, CA 92169, certify that the professional translation of this document from Portuguese to English has been performed by myself, a qualified translator fluent in both languages, and that the following is an accurate and complete translation of the document.

Date: March 19, 2026



Nº 074001822026

Ministério da Justiça e Segurança Pública
Polícia Federal

ePol - SINIC
Sistema Nacional de Informações Criminais
Certidão de Antecedentes Criminais

A Polícia Federal **CERTIFICA**, após pesquisa no Sistema Nacional de Informações Criminais - SINIC, que, até a presente data, **NÃO CONSTA** condenação com trânsito em julgado em nome de **JOAO LUCAS ROCHA SILVEIRA**, país de nacionalidade Brasil, filho(a) de CELIO SILVEIRA e ANA KEZIA ALMEIDA ROCHA SILVEIRA, nascido(a) aos 27/02/2003, natural de Espigão D'Oeste-RO, CPF 015.630.152-00, passaporte YE640548.

Esta certidão foi expedida em **18/03/2026** às **15:30** (horário de Brasília/DF GMT-3) com base nos dados informados e somente será válida com a apresentação de documento de identificação para confirmação dos dados.

A autenticidade desta certidão poderá ser confirmada por meio da leitura do QR Code ou acessando a página da Polícia Federal, no endereço "<https://servicos.pf.gov.br/epol-sinic-publico/validar-cac/>", e digitando o número da certidão 074001822026.

Exhibit 13



JOAO SILVEIRA
2250 Evenglow Ave
Spring Hill FL 34609

Thanks for saving with Capital One 360®

Here's your **December 2025** bank statement.

STATEMENT PERIOD
Dec 1 - Dec 31, 2025

\$0.03

TOTAL ENDING BALANCE
IN ALL ACCOUNTS

Account Summary

ACCOUNT NAME	Dec 1	Dec 31
360 Checking...3046	\$1,428.72	\$0.03
All Accounts	\$1,428.72	\$0.03

Cashflow Summary

+ \$0.03	INTEREST EARNED THIS PERIOD
- \$0.00	OVERDRAFT AND RETURN ITEM FEES THIS PERIOD
- \$0.00	FINANCE CHARGES THIS PERIOD

360 Checking - 36368413046

JOINT WITH JACOB JONES

0.09%

ANNUAL PERCENTAGE YIELD
(APY) EARNED

\$0.12

YTD INTEREST AND BONUSES

31

DAYS IN STATEMENT
CYCLE

Proof of Service

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

**RESPONDENT'S MOTION TO REOPEN PROCEEDINGS AND RESCIND IN
ABSENTIA REMOVAL ORDER**

To the following:

Office Location: Office of the Chief Counsel Department of Homeland Security 900 Market Street, Suite 504 Philadelphia, PA 19107	Mailing Address: US Immigration and Customs Enforcement US Department of Homeland Security 900 Market Street, Suite 504 Philadelphia, PA 19107
---	--

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