

Non-Detained

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**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
915 2nd Avenue, Suite 613
Seattle, WA 98174**

_____)	
In the Matter of)	
)	
Mirian Raimundo)	File No. A 221-290-315
Patrick Raimundo Santana)	File No. A 221-290-316
Pablo Henrique Raimundo Santana)	File No. A 221-290-343
)	
In Removal Proceedings)	
)	
_____)	

Immigration Judge: Tisocco, Michael **Next Hearing Date:** July 16, 2027, at 08:30 AM

RESPONDENTS' MOTION TO CLARIFY

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RESPONDENTS' MOTION TO CLARIFY

COMES NOW, Otavio Haverroth Silva, counsel for the above-referenced Respondents, and respectfully moves this Court to clarify the record regarding the current status of the Form I-589 filed by Rider Respondent Patrick Raimundo Santana (A-221-290-316). In support thereof, counsel states as follows:

1. On March 20, 2025, Respondents Miriam Raimundo and Patrick Raimundo Santana appeared for a Master Calendar Hearing before IJ Tisocco. They admitted the factual allegations and conceded removability. The Court set a deadline of April 21, 2025, for Respondents to file a complete Form I-589.
2. Respondent Mirian Raimundo (A-221-290-315) initially filed her Form I-589 on March 10, 2025. That filing was rejected due to improper proof of service, as reflected in the rejection notice dated March 10, 2025. Following the rejection and consistent with the principle that a filing rejected solely for a formal defect does not count against the applicant for timeliness purposes, Mirian Raimundo re-submitted her Form I-589 on April 23, 2025. The re-submission was therefore timely. Rider Respondent Patrick Raimundo Santana (A-221-290-316) did not file a Form I-589 by the prescribed deadline.
3. On May 2, 2025, IJ Tisocco issued an Order finding that Patrick Raimundo Santana

had waived his opportunity to apply for asylum and related relief and would be considered only as a derivative applicant on his mother's application. As to Mirian Raimundo, the Court found her April 23, 2025 Form I-589 to be incomplete and directed her to correct and re-submit it on or before May 8, 2025.

4. On May 8, 2025, in direct response to the Court's express directive, Mirian Raimundo filed a corrected and complete Form I-589, together with her personal declaration, supporting evidence, and a Motion to Accept Untimely Filing and to Substitute Form I-589. That motion was pending before the Court in the weeks that followed.

5. On October 14, 2025, counsel filed Patrick Raimundo Santana's Form I-589 together with a Respondent's Motion to Accept Untimely Filing of Form I-589. The motion set forth the following grounds for acceptance: (i) Patrick Raimundo Santana was a minor — born August 28, 2007 — at the time of the original April 21, 2025 deadline, and thus lacked legal capacity to file independently; (ii) upon turning 18 on August 28, 2025, and upon receiving appropriate legal guidance, counsel promptly prepared and filed the application; (iii) the delay was attributable solely to his minority and not to any neglect or lack of diligence; and (iv) acceptance of the filing would cause no prejudice to the Government, while denial would leave Respondent without any independent avenue for protection. The requisite filing fee was paid on October 16, 2025 (Tracking ID: 27SASMJU, A-221-290-316).

6. On October 20, 2025, IJ Tisocco issued an Order granting a "Motion to Accept Untimely Filing" in these proceedings. The Order was directed at lead Respondent Raimundo, Mirian (A-221-290-315) and Rider Patrick Raimundo Santana (A-221-290-316). At that time, two motions to accept untimely filing were pending before the Court — Mirian Raimundo's (filed May 8, 2025) and Patrick Raimundo Santana's (filed October 14, 2025). Counsel, operating under a good-faith presumption that both motions had been resolved by the October 20 Order, did not identify at the time that only one motion had been granted and that the other had received no ruling. It was only upon review of the April 22, 2026 consolidation Order that counsel recognized the ambiguity.

7. On April 22, 2026, IJ Tisocco issued an Order granting consolidation of cases A-221-290-315, A-221-290-316, and A-221-290-343. That Order states: "His (Patrick Raimundo Santana) I-589 was previously deemed abandoned per the Court's 05/02/2025 Order" — referencing only the May 2, 2025 Order and making no mention of the October 20, 2025 ruling.

8. The record as it currently stands contains a direct conflict: the October 20, 2025 Order grants a Motion to Accept Untimely Filing in a proceeding where Patrick's motion was pending, while the April 22, 2026 Order characterizes Patrick's I-589 as deemed abandoned

under the May 2, 2025 Order — without acknowledging the intervening October ruling.

9. It is unclear from the face of the October 20, 2025 Order whether it pertains to Mirian Raimundo's amended I-589 filing (Motion filed May 8, 2025) or to Patrick Raimundo Santana's I-589 (Motion filed October 14, 2025), as both motions were pending under the same case record at the time the Order was issued. This ambiguity makes it impossible for counsel to determine Patrick Raimundo Santa's current procedural posture without clarification from the Court.

10. The resolution of this ambiguity carries material legal consequences. As a derivative applicant, Patrick Raimundo Santana's only avenue for protection is through Mirian Raimundo' s asylum grant. Withholding of removal under INA § 241(b)(3) and protection under the Convention Against Torture, 8 C.F.R. § 1208.16–1208.18, are not derivable — each respondent must independently establish eligibility. If Patrick Raimundo Santana's I-589 is not active in the record, he has no independent claim to withholding or CAT protection, leaving him entirely exposed in any scenario other than a full grant of asylum to the principal applicant.

11. Conversely, if the October 20, 2025 Order did in fact pertain to Patrick Raimundo Santana's Motion to Accept Untimely Filing, then his I-589 is part of the record and he is entitled to proceed as a principal applicant with his own independent claims for asylum, withholding of removal, and CAT protection, claims supported by his personal declaration dated September 22, 2025, already in the record.

12. Notably, Patrick Raimundo Santana's Form I-589, filed October 14, 2025, was never rejected by the Court — no rejection notice was issued and the filing fee was accepted. The I-589 therefore remains part of the record. Taken together with the October 20, 2025 Order and counsel's good-faith presumption of acceptance, the most reasonable interpretation is that the application was accepted and remains pending adjudication. Given the consolidated merits hearing scheduled for July 16, 2027, the parties and the Court require certainty as to Patrick Raimundo Santana's procedural posture well in advance of that date.

For the foregoing reasons, Rider Respondent Patrick Raimundo Santana respectfully requests that this Honorable Court:

(a) Issue a ruling on Rider Respondent Patrick Raimundo Santana's Motion to Accept Untimely Filing of Form I-589 (filed October 14, 2025, A-221-290-316), which, to counsel's knowledge, has not yet received a direct ruling, and clarify whether the October 20, 2025 Order pertains thereto;

(b) Confirm that Patrick Raimundo Santana's Form I-589 is active in the record — having been filed, fee-paid, and never rejected — and that he is recognized as a principal applicant for asylum, withholding of removal, and protection under the Convention Against Torture; and

Respectfully,



Otavio Haverroth Silva (Bar N.343486)

Attorney at Law

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Counsel for Respondents

Mirian Raimundo
Patrick Raimundo Santana
Pablo Henrique Raimundo Santana

File No. A 221-290-315
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File No. A 221-290-343

Proof of Service

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

RESPONDENTS' MOTION TO CLARIFY

To the following:

Office Location:	Mailing Address:
Office of the Chief Counsel Department of Homeland Security 915 Second Avenue, Suite 708 Seattle, WA 98174	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Chief Counsel 915 Second Avenue, Suite 708 Seattle, WA 98174

by:

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



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