

Non-Detained

**HS Law Corp.
Otavio Haverroth Silva, SBN#343486
P.O. Box 90487
San Diego, CA 92169
(510) 241-9336**

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

In the Matter of)
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Andrey Cabral de Lima)
)
In Removal Proceedings)

File No. A 216-914-876

Immigration Judge: Fox, Melissa

Next Hearing Date: September 8, 2026, at 8:00 AM.

RESPONDENT'S WRITTEN PLEADINGS

**UNITED STATES DEPARTMENT OF JUSTICE
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900 Market Street, Suite 504
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In the Matter of

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COMES NOW, Respondent, by and through undersigned counsel, and, pursuant to the Immigration Court’s Order dated April 29, 2026, entered while Respondent’s removal proceedings were consolidated with those of his parents, Jose Paixao de Lima (A 216-914-874) and Arlete Cabral Teixeira (A 216-914-875), respectfully submits the following Written Pleadings.

1. Respondent admits proper service of the Notice to Appear (NTA) issued by the Department of Homeland Security, dated June 24, 2021.

2. Counsel has explained to Respondent the following:

- (a) The rights set forth in **8 C.F.R. § 1240.10(a)**;
- (b) The consequences of failing to appear in court as set forth in **INA § 240(b)(5)**;
- (c) The limitation on discretionary relief for failure to appear as set forth in **INA § 240(b)(7)**;
- (d) The consequences of knowingly filing or making a frivolous application as set forth in **INA § 208(d)(6)**;
- (e) The requirement to notify the Court within five days of any change of address or telephone number, using **Form EOIR-33/IC**, pursuant to **8 C.F.R. § 1003.15(d)**.

3. Respondent admits the allegation under **INA § 212 (a) (6) (A) (i)** of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

5. Respondent admits factual allegations (1) through (4) set forth in the Notice to Appear:

- (1) Respondent is not citizen or nationals of the United States;

(2) Respondent is native and citizens of Brazil;
(3) Respondent entered the United States at or near San Ysidro, California, on or about June 21, 2021;

(4) Respondent was not then admitted or paroled after inspection by an Immigration Officer.

6. In the event of removal, Respondent declines to designate a country of removal.

7. Respondent intends to apply for the following forms of relief from removal:

(a) **Asylum, Withholding of Removal, and protection under the Convention Against Torture (CAT):** a Form I-589 has already been filed and is part of the Respondent's record;

(b) **Lawful Permanent Residence Based on a Family-Based Petition:** Respondent is the beneficiary of a pending family-based immigrant visa petition (Form I-130, Petition for Alien Relative) filed by his U.S. citizen spouse, Sabrina Medina Carneiro. Upon approval of the petition, Respondent intends to apply for lawful permanent residence, subject to all applicable jurisdictional and statutory eligibility requirements;

(c) Any other form of relief for which Respondent may become eligible.

8. Respondent will comply with all biometric and biographical data requirements from DHS. Counsel has advised Respondent that, pursuant to 8 C.F.R. § 1003.47(d), failure to provide biometrics within the time allowed, absent good cause, will constitute abandonment of the application.

9. Respondent's native language is Brazilian Portuguese. Respondent respectfully requests that a certified interpreter in Brazilian Portuguese be provided for all future hearings.

10. Respondent estimates that the individual merits hearing will require approximately three (3) hours. Respondent respectfully requests that the Court reserve sufficient time for the full presentation of evidence and testimony.

11. Based on the foregoing, counsel respectfully requests that this Honorable Court accept these Written Pleadings.

Respectfully,



Otavio Haverroth Silva (Bar N.343486)

Attorney at Law

P.O. Box 90487, San Diego, CA 92169

(510) 241-9336

Counsel for Respondent

Exhibit list

Exhibits:

Pages:

Exhibit 1

Andrey Cabral de Lima's Pleading Declaration with English Translation 1-2

Exhibit 1

RESPONDENT'S PLEADING DECLARATION

I, Andrey Cabral de Lima (A-216-914-876), declare under penalty of perjury that I am a native of Brazil and that my native language is Portuguese. I am not fluent in English and I am not able to fully and adequately understand communication in the English language.

I, Andrey Cabral de Lima, have been advised of my rights in these proceedings by my attorney and representative. I understand these rights. I waive any further explanation of these rights by this Court.

I have been advised by my attorney and representative of the consequences of failing to appear at a hearing. I have also been advised by my attorney of the consequences of failing to appear on a scheduled date of departure or deportation. I understand these consequences.

I have been advised by my attorney and representative of the consequences of knowingly filing a frivolous asylum application. I understand these consequences.

I have been advised by my attorney and representative of the consequences of failing to comply with DHS biometric instructions within the time allowed. I understand these consequences.

I understand that, if my mailing address changes, I must notify the Court within 5 days of such change by completing an Alien's Change of Address Form (Form EOIR-33/IC) and filing it with this Court.

Finally, my attorney and representative has explained to me what this Written Declaration says. I understand, agree, and respectfully request that the Court accept my declaration.

/ SIGNATURE/

Date: July 23, 2026.

ANDREY CABRAL DE LIMA

I, André Vinicius 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: July 24, 2026.

ANDRÉ VINICIUS INACIO PENNA MELLO

DECLARAÇÃO DE PLEITOS FINAIS

Eu, Andrey Cabral de Lima (A- 216-914-876), declaro, sob pena de perjúrio, que sou nativo do Brasil e o meu idioma nativo é o português. Não sou fluente em inglês e não consigo entender a comunicação no idioma de forma ampla e adequada.

Eu, Andrey Cabral de Lima, fui informado sobre meus direitos neste processo pelo meu advogado e representante. Eu entendo esses direitos. Renuncio a uma explicação adicional desses direitos por este tribunal.

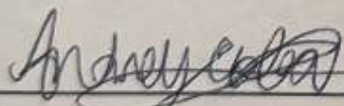
Fui informado pelo meu advogado e representante sobre as consequências de não comparecer a uma audiência. Também fui informado pelo meu advogado sobre as consequências de não comparecer a uma data programada de partida ou deportação. Eu entendo essas consequências.

Fui informado pelo meu advogado e representante sobre as consequências de apresentar conscientemente um pedido de asilo frívolo. Eu entendo essas consequências.

Fui informado pelo meu advogado e representante sobre as consequências de não seguir as instruções biométricas do DHS dentro do prazo permitido. Eu entendo essas consequências.

Entendo que, se meu endereço de correspondência mudar, devo notificar o tribunal dentro de 5 dias após essa mudança, preenchendo um Formulário de Mudança de Endereço de Estrangeiro (Formulário EOIR-33/IC) e apresentando-o a este tribunal.

Finalmente, meu advogado e representante me explicou o que esta Declaração Escrita diz. Eu entendo, concordo e solicito que o tribunal aceite a minha declaração.



ANDREY CABRAL DE LIMA

Data: 23 de julho de 2026.

Proof of Service

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

RESPONDENT'S WRITTEN PLEADINGS

To the following:

Office Location:	Mailing Address:
Office of the Principal Legal Advisor Department of Homeland Security 900 Market Street, Suite 346 Philadelphia, PA 19107	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor 900 Market Street, Suite 346 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 Haverroth Silva (Bar N.343486)
Attorney at Law
P.O. Box 90487, San Diego, CA 92169
(510) 241-9336
Counsel for Respondent