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Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1855 Gateway Blvd., Suite 850
Concord, CA 94520

In the Matter of	)	
Humberto Garcez	)	**File No. A. 208-639-150**
Christiana Fabricio de Naronha	)	**File No. A. 208-639-151**
In Removal Proceedings	)	

Immigration Judge: N/A

Next Hearing Date: N/A

RESPONDENTS' WRITTEN PLEADINGS

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COMES NOW, Otavio Haverroth Silva, counsel for the above-referenced respondents, Humberto Cezar Garcez and Christiana Fabricio de Noronha, and respectfully submits these Written Pleadings. As an initial matter, Counsel clarifies that the cases of the Respondents, Humberto Cezar Garcez and Christiana Fabricio de Noronha, are consolidated, and all representations herein apply equally to both individuals.

Additionally, Counsel clarifies that the Notice to Appear issued to Respondent **Humberto Cezar Garcez** correctly states his full legal name, but the Court's electronic record reflects only "Humberto Garcez," omitting his middle name. The Notice to Appear issued to Respondent Christiana Fabricio de Noronha identifies her as "Christiana Fabricio de Naronha"; her correct legal name, is **Christiana Fabricio de Noronha**, as accurately reflected in the body of the motion and the Pleadings Declarations. *See* Exhibits 1 and 2.

Counsel makes the following representations on behalf of the Respondents:

1. The Respondents concede proper service of the Notices to Appear, dated June 11, 2026.
2. I have explained to the respondents:
    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 consequences of failing to follow the DHS biometrics instructions within the time allowed, as set forth in 8 C.F.R. § 1003.47(d);

f) 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. The Respondents admit the charge of removability under **237 (a)(1)(B)** of the Immigration and Nationality Act (INA), as amended, "*in that after admission as a nonimmigrant under Section 101 (a) (15) of the Act, you have remained in the United States for a time longer than permitted*".

4. **Humberto Cezar Garcez** admits the factual allegations 1 through 4 in the Notice to Appear, corresponding to:

a) The Respondent is not a citizen or national of the United States;

b) The Respondent is a native of Brazil and a citizen of Brazil;

c) The Respondent was admitted to the United States at Houston, TX on or about February 28, 2015 as a nonimmigrant Visitor For Business (B1/B2) with authorization to remain in the United States for a temporary period not to exceed August 27, 2015; and

d) The Respondent remained in the United States beyond August 27, 2015 without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

5. **Christiana Fabricio de Noronha** admits the factual allegations 1 through 4 in the Notice to Appear, corresponding to:

a) The Respondent is not a citizen or national of the United States;

b) The Respondent is a native of Brazil and a citizen of Brazil;

c) The Respondent was admitted to the United States at San Francisco, CA on or about December 13, 2015 as a nonimmigrant Visitor For Pleasure (B1/B2) with authorization to remain in the United States for a temporary period not to exceed June 12, 2016; and

d) The Respondent remained in the United States beyond June 12, 2016 without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

6. The Respondents concede the charge of removability.

7. In the event of removal, the Respondents decline to designate a country of removal. The Respondents will be applying for the following forms of relief from removal:

a) Asylum, Withholding of Removal, and protection under the Convention Against Torture;

b) Any other relief for which the Respondents may be eligible.

8. The Respondents estimate that the individual merits hearing will take approximately three (3) hours. Accordingly, they respectfully request that the Court reserve sufficient time for the conduct of the hearing.

9. The Respondents speak Brazilian Portuguese as their first language. Therefore, the Respondents respectfully request a Brazilian Portuguese interpreter for all future hearings.

10. Based on the foregoing, counsel respectfully requests that the Court accept these Written Pleadings.

Respectfully,



Otavio Silva (Bar N. 343486)
Attorney at Law
P.O. Box 90487
San Diego, CA 92169
Counsel for Respondents

Exhibit list

Exhibits:	Pages:
Exhibit 1	
Humberto Cezar Garcez's Pleading Declaration with English Translation	1-2
Exhibit 2	
Christiana Fabricio de Noronha's Pleading Declaration with English Translation	3-4

Exhibit 1

RESPONDENT'S PLEADING DECLARATION

I, Humberto Cezar Garcez (A-Number 208-639-150), declare, under penalty of perjury, that I am a native of Brazil and my native language is Portuguese. I am not fluent in English and cannot fully and adequately understand communication in the language.

I, Humberto Cezar Garcez, have been advised of my rights in these proceedings by my attorney and representative. I understand those rights. I waive a further explanation of those rights by this court.

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

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

I have been advised by my attorney and representative of the consequences of failing to follow the DHS biometrics instructions within the time allowed. I understand those consequences.

I understand that if my 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 or representative has explained to me what this Written Pleading says. I understand it, I agree with it, and I request that the court accept it as my pleading.

/ SIGNATURE/

Date: 09/11/2026

HUMBERTO CEZAR GARCEZ

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.

André Penna Mello **Date:** 09/11/2026

DECLARAÇÃO DE PETIÇÕES FINAIS

Eu, Humberto Cezar Garcez (A-Number 208-639-150), declaro, sob pena de perjúrio, que sou natural do Brasil e que meu idioma nativo é o português. Não tenho fluência em inglês e não consigo compreender plena e adequadamente as comunicações nesse idioma.

Eu, Humberto Cezar Garcez, fui informado sobre meus direitos neste processo pelo meu advogado e representante. Compreendo esses direitos. Renuncio a uma explicação adicional desses direitos por parte deste 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 em uma data programada de saída ou deportação. Compreendo essas consequências.

Fui informado pelo meu advogado e representante sobre as consequências de apresentar conscientemente uma solicitação de asilo frívola. Compreendo essas consequências.

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

Compreendo que, se meu endereço mudar, devo notificar o Tribunal dentro de 5 dias após referida mudança, preenchendo o Formulário de Mudança de Endereço de Estrangeiro (Formulário EOIR-33/IC) e apresentando-o perante este Tribunal.

Por fim, meu advogado e representante me explicou o que diz esta Declaração Escrita. Compreendo, concordo e solicito que o Tribunal aceite minha declaração.



Data: 11/09/2026

HUMBERTO CEZAR GARCEZ

Exhibit 2

RESPONDENT'S PLEADING DECLARATION

I, Christiana Fabricio de Noronha (A-Number 208-639-151), declare, under penalty of perjury, that I am a native of Brazil and my native language is Portuguese. I am not fluent in English and cannot fully and adequately understand communication in the language.

I, Christiana Fabricio de Noronha, have been advised of my rights in these proceedings by my attorney and representative. I understand those rights. I waive a further explanation of those rights by this court.

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

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

I have been advised by my attorney and representative of the consequences of failing to follow the DHS biometrics instructions within the time allowed. I understand those consequences.

I understand that if my 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 or representative has explained to me what this Written Pleading says. I understand it, I agree with it, and I request that the court accept it as my pleading.

/ SIGNATURE/

Date: 09/11/2026

CHRISTIANA FABRICIO DE NORONHA

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.

André Penna Mello Date: 09/11/2026

DECLARAÇÃO DE PETIÇÕES FINAIS

Eu, Christiana Fabricio de Noronha (A-Number 208-639-151), declaro, sob pena de perjúrio, que sou natural do Brasil e que meu idioma nativo é o português. Não tenho fluência em inglês e não consigo compreender plena e adequadamente as comunicações nesse idioma.

Eu, Christiana Fabricio de Noronha, fui informada sobre meus direitos neste processo pelo meu advogado e representante. Compreendo esses direitos. Renuncio a uma explicação adicional desses direitos por parte deste Tribunal.

Fui informada pelo meu advogado e representante sobre as consequências de não comparecer a uma audiência. Também fui informada pelo meu advogado sobre as consequências de não comparecer em uma data programada de saída ou deportação. Compreendo essas consequências.

Fui informada pelo meu advogado e representante sobre as consequências de apresentar conscientemente uma solicitação de asilo frívola. Compreendo essas consequências.

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

Compreendo que, se meu endereço mudar, devo notificar o Tribunal dentro de 5 dias após referida mudança, preenchendo o Formulário de Mudança de Endereço de Estrangeiro (Formulário EOIR-33/IC) e apresentando-o perante este Tribunal.

Por fim, meu advogado e representante me explicou o que diz esta Declaração Escrita. Compreendo, concordo e solicito que o Tribunal aceite minha declaração.



Data: 11/09/2026

CHRISTIANA FABRICIO DE NORONHA

Humberto Garcez **File No. A. 208-639-150**
Christiana Fabricio de Naronha **File No. A. 208-639-151**

Proof of Service

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

RESPONDENTS' WRITTEN PLEADINGS

To the following:

Office Location:	**Mailing Address:**
Office of the Principal Legal Advisor Department of Homeland Security 100 Montgomery Street, Suite 200 San Francisco, CA 94104	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor P.O. Box 26449 San Francisco, CA 94126-644

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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