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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	)	
Crystel Lima	)	**File No. A. 245-647-045**
In Removal Proceedings	)	

Immigration Judge: Nava, Marlem

Next Hearing Date: September 9, 2026, at 8:30 AM

RESPONDENT'S SUBMISSION OF EVIDENCE OF PENDING GUARDIANSHIP PROCEEDINGS AND PRIMA FACIE SIJS ELIGIBILITY

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RESPONDENT'S SUBMISSION OF EVIDENCE OF PENDING GUARDIANSHIP PROCEEDINGS AND PRIMA FACIE SIJS ELIGIBILITY

NOW COMES Respondent, by and through undersigned counsel, and respectfully submits documentary evidence regarding her pending Family Court Guardianship proceedings, for the Court's consideration when adjudicating DHS's Motion to Pretermit and the proposed removal to a third country under the Asylum Cooperative Agreement (ACA). In support thereof, Respondent states as follows:

Respondent has an active guardianship proceeding pending before the Contra Costa County Superior Court. The Probate Court has scheduled a guardianship hearing for **September 11, 2026**, at which the court is expected to adjudicate the Petition for Guardianship and issue the Special Immigrant Juvenile Status ("SIJS") Special Findings pursuant to 8 C.F.R. § 204.11 and Cal. Civ. Proc. Code § 155. Respondent submits as **Exhibits A through C** documentary evidence establishing the existence of these proceedings and their current procedural status.

SIJS provides a separate and independent statutory pathway to lawful permanent residence for certain vulnerable juveniles. Under INA § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J), a juvenile who has been declared dependent upon a juvenile court or placed under the custody of an individual appointed by a state court may, upon satisfaction of the

statutory requirements, seek SIJS classification from USCIS. This humanitarian form of relief is distinct from asylum and from protection otherwise available under the ACA.

The state-court hearing is scheduled for **September 11, 2026 (only two days after Respondent's Master Calendar Hearing)** and may result in the issuance of the findings necessary for Respondent to pursue SIJS classification with USCIS.

Accordingly, Respondent is actively pursuing an **independent statutory pathway to lawful permanent residence through SIJS**, the first critical predicate step of which is presently scheduled before a California state court. The guardianship proceeding is therefore directly material to Respondent's immigration circumstances and to the consequences of any immediate order of removal.

While the Court evaluates DHS's Motion to Pretermit under 8 C.F.R. § 1240.11(h)(4) and *Matter of C-I-G-M- & L-S-V-G-*, 29 I&N Dec. 291 (BIA 2025), Respondent respectfully requests that the Court consider her threshold eligibility for SIJS when deciding whether to grant pretermission or order removal to a third country.

Removing Respondent to a third country at this juncture, while she is on the verge of completing a critical state-court predicate step toward SIJS, would effectively deprive her of a meaningful opportunity to pursue relief expressly created by Congress for vulnerable juveniles. It would also risk frustrating the purpose of INA § 101(a)(27)(J), which establishes SIJS as a humanitarian pathway for qualifying juveniles who meet the statute's requirements. Moreover, such removal would accomplish little in terms of administrative efficiency where Respondent's eligibility for an independent form of statutory relief is about to be further developed through a state-court proceeding already scheduled and actively pending.

In these circumstances, Respondent respectfully submits that the existence and imminent resolution of her guardianship proceeding constitute highly relevant circumstances that the Court should consider before granting DHS's Motion to Pretermit or ordering Respondent's removal to a third country. At a minimum, allowing the state-court proceeding to proceed would preserve Respondent's ability to pursue the statutory relief Congress made available to qualifying juveniles without prejudicing DHS's interests.

WHEREFORE, Respondent respectfully requests that this Court take into consideration her pending guardianship proceedings and the imminent state-court adjudication of the SIJS predicate findings, and **decline to grant DHS's Motion to Pretermit or order Respondent's**

removal to a third country under the ACA at this time.

Respectfully,

_____

Natalia Vieira Santanna (Bar N. 337502)
Attorney at Law
P.O. Box 7528
Oakland, CA 94601
Counsel for Respondent

Exhibit list

Exhibits:	Pages:
Exhibit A	
E-mail Confirming Guardianship Case Filing and Opening	1
Exhibit B	
Stamped Submission of Form GC-220, Petition for Special Immigrant Juvenile Findings	2-5
Exhibit C	
Guardianship Case Information Reflecting Hearing Scheduled for September 11, 2026	6-8

Exhibit A

Accepted

Filing ID:	15030843
Envelope No:	24760163
Document(s):	Order On Court Fee Waiver (Superior Court) (Ward Or Conservatee) - Accepted Birth Certificate In Support Of Guardianship Of The Person And For Special Immigrant Juvenile Findings - Accepted Declaration In Support Of Guardianship Of The Person And For Special Immigrant Juvenile Findings - Accepted Request To Waive Court Fees (Ward Or Conservatee) - Accepted Petition For Appointment Of Guardian Of Minor - Accepted Confidential Guardian Screening Form - Accepted Petition For Special Immigrant Juvenile Findings - Accepted Duties Of Guardian And Acknowledgment Of Receipt - Accepted Request For Interpreter (Civil) - Accepted
Case:	P26-01520 - Guardianship of: Crystel Lima Varela
Court Location:	Contra Costa Probate - Martinez
Filer:	Natalia Vieira Santanna
Final Filing Fees:	Provider Service Fees $0.00 Sales Tax $0.00 Total $0.00
Card Used:	WV-xxxxxxxxxxxXXXX

Click here for a detailed printer friendly filing receipt.

Click here for a filing statement.

Thank you!

9 attachments

Original - INT_300.pdf
417K

Original - GC_220.pdf
546K

Exhibit B

Electronically Filed Superior Court of CA County of Contra Costa 8/11/2026 9:59 AM By: M. Macapinlac, Deputy

GC-220

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 337502 NAME: Natalia Vieira Santanna FIRM NAME: Santanna Law STREET ADDRESS: Po Box 7528 CITY: Oakland STATE: CA ZIP CODE: 94601 TELEPHONE NO.: 510-922-0154 FAX NO.: E-MAIL ADDRESS: natalia@santannalaw.com ATTORNEY FOR (*name*): Crystel Estephania Lima Varela	*FOR COURT USE ONLY*
SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: CITY AND ZIP CODE: Martinez, 94553 BRANCH NAME: Wakefield Taylor Courthouse	
GUARDIANSHIP OF THE PERSON [X] AND ESTATE OF *(name):* Crystel Estephania Lima Varela [X] MINOR [ ] MINORS	
PETITION FOR SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: P26-01520

Petitioner *(name each):*
Crystel Estephania Lima Varela

Hearing Set:
11/04/2026
09:30am
Dept 30

alleges:

1. Petitioner is *(check all that apply to a single petitioner or to more than one petitioner):*
   a. [ ] The proposed guardian of the person or the person and estate of the minor named in item 2. This petition is filed concurrently with the petition for my appointment as guardian.
   b. [ ] The guardian of the person or the person and estate of the minor named in item 2. The order appointing me was filed in this case on *(date):* . Letters of Guardianship were issued on *(date):* .
   c. [X] The minor named in item 2. I am at least 12 years of age. I was born on *(date):* 09/18/2005 .
   If there are two or more wards or proposed wards in this case, I am asking the court for an order only for myself.
   d. [ ] The *guardian ad litem* for the minor named in item 2. A certified or conformed copy of the *Order Appointing Guardian Ad Litem—Probate* (form GC-101) is attached to this petition as Attachment 1d.
   e. [ ] An adult relative *(specify relationship):* or other person on behalf of the minor named in item 2.

2. *(Name of Minor):** Crystel Estephania Lima Varela
   is a national of *(country):* Guatemala .

3. This court has jurisdiction under California law "to make judicial determinations about the custody and care of juveniles" within the meaning of section 101(a)(27)(J) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101(a)(27)(J), and 8 C.F.R. § 204.11(a). The minor named in item 2 is under this court's jurisdiction and will remain under that jurisdiction if the court appoints (or has appointed) a guardian of his or her person in this proceeding.

4. If a guardian of the person of the minor named in item 2 has been appointed and has qualified in this proceeding, the minor is placed under the custody of an individual or entity appointed by a California state or juvenile court located in the United States within the meaning of INA section 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J).

***** ***(In a guardianship case involving more than one ward, prepare a separate petition for each ward for whom you are seeking SIJ findings.)***

Form Adopted for Mandatory Use
Judicial Council of California
GC-220 [New January 1, 2016]

PETITION FOR SPECIAL IMMIGRANT JUVENILE FINDINGS
(Probate—Guardianships and Conservatorships)

Immigration and Nationality Act, § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. § 204.11; Code Civ. Proc., § 155; Cal. Rules of Court, rule 7.1020
www.courts.ca.gov

Processed by Court on 8/12/2026 10:21 AM

GUARDIANSHIP OF THE PERSON [x] AND ESTATE OF *(name):* **Crystel Estephania Lima Varela** [x] MINOR [ ] MINORS	CASE NUMBER:

Requested Findings

5. Reunification of the minor named in item 2 with [ ] one parent [x] both parents is not viable under California law because of *(check all that apply)*:
   - [ ] abuse
   - [x] neglect
   - [x] abandonment
   - [ ] another legal basis *(specify):*

   Facts in support of this finding are stated below *(for each parent with whom reunification is not viable, state the reasons that apply to that parent)*:

   For the mother (Ana Luisa Varela Veliz): Reunification with the mother is not viable because, although she cared for theward to the best of her ability, she was unable to provide a safe and stable environment due to circumstances beyond her control. The ward and her family lived in constant fear after receiving repeated threats from individuals connected to a criminal gang in Guatemala. Following these threats, the mother made the difficult decision to flee the country with her children to protect their lives. Because of the family's separation during their journey in the the United States, the mother entrusted the ward's care to the proposed guardian. As a result, the mother is no longer able to provide the daily care, supervision, protection, and emotional support the ward requires, making reunification not viable.

   For the father (Genner Edilcar Lima Crúz) : Reunification with the father is not viable because he failed to provide consistent care, financial support, or parental guidance throughout the ward's childhood. He frequently lived outside Guatemala, traveling to Canada, and did not actively participate in raising or supporting the ward. When the ward requested financial assistance for school or basic necessities, the father often verbally mistreated her before providing any help, if at all. His lack of involvement and failure to fulfill his parental responsibilities left the ward without the care, stability, and protection she needed

   Since the ward has been residing with the proposed guardian since January 18, 2024, the guardian has provided for all of the ward's needs, including housing, food, daily supervision, emotional support, stability, and a safe environment. The guardian has helped the ward recover from the trauma caused by the threats she experienced in Guatemala and continues to provide the care and protection necessary for her well-being.

[ ] Additional facts are stated on Attachment 5 to this petition. *(You may use* Attachment to Judicial Council form *(*form MC-025*) for this purpose.)*

GUARDIANSHIP OF THE PERSON [x] AND ESTATE OF *(name):* **Crystel Estephania Lima Varela** [x] MINOR [ ] MINORS	CASE NUMBER:

6. It is not in the best interest of the minor named in item 2 to be returned to the minor's or the parent's previous country of nationality or country of last habitual residence. (*specify country or countries):*

   Guatemala

   Facts in support of this finding are stated below:

   The Ward and her Guardian fear for her safety if she were forced to return to Guatemala. The Ward fled Guatemala after she and her family received repeated death threats from individuals connected to a criminal gang. Even after arriving in the United States, she continued to receive threatening messages, causing her ongoing fear, anxiety, and emotional trauma. The Ward is currently living in a safe and stable home with her Guardian, who provides housing, food, supervision, emotional support, and a nurturing environment. Returning to Guatemala would place the Ward at risk of being exposed to the same individuals who threatened her and her family. Furthermore, she would be separated from the stability and protection she has found in the United States. For these reasons, it is not in the Ward's best interest to return to Guatemala.

[ ] Additional facts are stated on next page.

GUARDIANSHIP OF THE PERSON [X] AND ESTATE OF (name): Crystel Estephania Lima Varela [X] MINOR [ ] MINORS	CASE NUMBER:

6. *(continued):*

[ ] Additional facts are stated on Attachment 6 to this petition. *(You may use* Attachment to Judicial Council form (form MC-025) *for this purpose.)*

7. All attachments to this form are incorporated by this reference as though placed here in this form. There are ____pages attached.

Date: 7/13/26

Natalia Vieira Santanna
(TYPE OR PRINT NAME OF ATTORNEY)

(SIGNATURE OF ATTORNEY*)

* **All petitioners must also sign (Prob. Code, § 1020).**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 07/13/2026

Crystel Estephania Lima Varela
(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

(TYPE OR PRINT NAME)

(SIGNATURE OF PETITIONER)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form Save this form Clear this form

Exhibit C

Case Information

P26-01520 | Guardianship of: Crystel Lima Varela

Case Number	Court	Judicial Officer
P26-01520	Probate - Martinez-Wakefield Taylor Courthouse	George, Virginia M
File Date	**Case Type**	**Case Status**
08/11/2026	Guardianship-eFile	Active

Party

Plaintiff/Petitioner
Lima Varela, Crystel Estephania

Active Attorneys
Lead Attorney
Santanna, Natalia Vieira
Retained

Events and Hearings

08/11/2026 Lodge Order/Judgment

Comment
Proposed Order on Court Fee Waiver

08/11/2026 Miscellaneous Filing Re:

Comment
Birth Certificate ISO Guardianship of the Person and for SIJF

08/11/2026 Declaration of

Comment
Natalia Santanna ISO guardianship of the person and SIJF

08/11/2026 Request to Waive Court Fees (FW-001)

08/11/2026 Confidential Screening Form

08/11/2026 Duties of Guardian Filed

Comment
of the person

08/11/2026 Petition for Appointment of Guardian - Person

08/11/2026 Petition for Special Immigrant Juvenile Findings

08/11/2026 Interpreter Request Received

Comment
Hrg Type: LIVE Spanish Hrg Date: 11/04/2026 Dept: Dept 30 Est. Duration: 1 For Party: Natalia Vieira Santanna, Witness Note: N/A

08/12/2026 Notes

Comment
Proposed order on court fee waiver sent to Dept 30

08/12/2026 Consent/Nomination/Waiver (GC-211) Filed

Comment
WITH Consent MOTHER & SIBLINGS & WAIVER OF NOTICE

08/12/2026 Consent Of:

Comment
Proposed Guardian

08/12/2026 Declaration of

Comment
Crystel Estephania Lima Varela in Support of Her Request for Dispensing Service Regarding the Ward's Maternal Grandfather, In Relation to Her Petition for Appointment of Guardian and Petition for Special Immigrant Juvenile Findings

08/12/2026 Notice of Hearing Re:

Comment
petition for guardianship & petition for SIJF with pos

08/13/2026 *Order on Fee Waiver Granted

08/14/2026 E-Filing Rejection

Comment
Envelope #24804510 - Case # P26-01520* Waiver * Submitted 08/13/2026 6:53 PM PDT Ex parte application and letters rejected - Documents for ex parte cannot be filed/processed through e-filing. Please submit your ex parte documents to the Probate Examiners during ex parte hours. Letters cannot be issued/filed until the order is signed by the judge and filed

08/26/2026 Notes

Comment
ORDER ADVANCING HRG TO 9-11 SIGNED; SENT TO CLK

08/27/2026 Ex Parte Application - No Fee

Comment
FOR OST UNTIL THE HEARING ON THE PETITION FOR APPT OF GUARDIAN OF MINOR & FOR SIJF & WAIVER OF PROB CODE 1513 COURT INVESTIGATIONS

08/27/2026 Order Granting

Comment
EX PARTE APPLICATION TO ADVANCE HEARING DATE TO 9-11-26 9:30 D30

09/11/2026 Hearing in Re:

Judicial Officer
George, Virginia M

Hearing Time
9:30 AM

Comment
Petition for appointment of guardian of the person filed on 08/11/26 by Crystel Estephania Lima Verela

09/11/2026 Hearing in Re:

Judicial Officer
George, Virginia M

Hearing Time
9:30 AM

Comment
Petition for SIJF filed on 08/11/26 by Crystel Estephania Lima Verela

Crystel Lima **File No. A. 245-647-045**

Proof of Service

On this day, I, Natalia Vieira Santanna, served a copy of the following documents:

RESPONDENT'S SUBMISSION OF EVIDENCE OF PENDING GUARDIANSHIP PROCEEDINGS AND PRIMA FACIE SIJS ELIGIBILITY

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.

Natalia Vieira Santanna (Bar N. 337502)
Attorney at Law
P.O. Box 7528
Oakland, CA 94601
Counsel for Respondent