

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

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	)	
	)	
Gabriel de Freitas Silva	)	File No. A. 226-068-578
Camila Beatriz Oliveira Santos	)	File No. A. 226-068-637
	)	
In Removal Proceedings	)	
	)	
_____	)	

Immigration Judge: N/A

Next Hearing Date: N/A

RESPONDENTS' WRITTEN PLEADINGS

**UNITED STATES DEPARTMENT OF JUSTICE
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RESPONDENTS' WRITTEN PLEADINGS

COMES NOW, Otavio Haverroth Silva, counsel for the above-referenced respondents, Gabriel de Freitas Silva and Camila Beatriz Oliveira Santos, and respectfully submits these Written Pleadings. As an initial matter, Counsel clarifies that the cases of the Respondents, Gabriel de Freitas Silva and Camila Beatriz Oliveira Santos, have been consolidated, and all representations herein apply equally to both individuals.

Counsel makes the following representations on behalf of the Respondents:

1. The Respondents concede proper service of the Notices to Appear, dated May 28, 2024.
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 **212(a)(6)(A)(i)** of the Immigration and Nationality Act (INA), as amended, as aliens “*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”.

4. The Respondents admit the factual allegations 1 through 4 in the Notices to Appear, corresponding to:

- a) The Respondents are not citizens or nationals of the United States;
- b) The Respondents are natives of Brazil and citizens of Brazil;
- c) The Respondents arrived in the United States at or near San Ysidro, California, on or about May 28, 2024;
- d) The Respondents were not then admitted or paroled after inspection by an Immigration Officer.

5. The Respondents concede the charge of removability.

6. 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.

7. 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.

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

9. 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

Gabriel de Freitas Silva's Pleading Declaration with English Translation	1-2
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Exhibit 2

Camila Beatriz de Oliveira Santos' Pleading Declaration with English Translation	3-4
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Exhibit 1

RESPONDENT'S PLEADING DECLARATION

I, Gabriel de Freitas Silva (A-Number 226-068-578), 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, Gabriel de Freitas Silva, 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: 08/27/2026

GABRIEL DE FREITAS SILVA

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: 08/27/2026

DECLARAÇÃO DE PETIÇÕES FINAIS

Eu, Gabriel de Freitas Silva (A-Number 226-068-578), declaro, sob pena de perjúrio, que sou nativo 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, Gabriel de Freitas Silva, 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.

Gabriel de Freitas Silva

GABRIEL DE FREITAS SILVA

Data: 27/08/2026

Exhibit 2

RESPONDENT'S PLEADING DECLARATION

I, Camila Beatriz Oliveira Santos (A-Number 226-068-637), 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, Camila Beatriz Oliveira Santos, 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: 08/27/2026

CAMILA BEATRIZ OLIVEIRA SANTOS

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: 08/27/2026

DECLARAÇÃO DE PETIÇÕES FINAIS

Eu, Camila Beatriz Oliveira Santos (A-Number 226-068-637), declaro, sob pena de perjúrio, que sou nativa 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, Camila Beatriz Oliveira Santos, 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.

Camila Beatriz O. Santos

CAMILA BEATRIZ OLIVEIRA SANTOS

Data: 27/08/2026

Gabriel de Freitas Silva
Camila Beatriz Oliveira Santos

File No. A. 226-068-578
File No. A. 226-068-637

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.



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