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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	)	
Angelo Marcio Nicodemos	)	**File No. A 216-541-471**
Poliana Lima Nicodemos	)	**File No. A 216-586-380**
Nicollas Lima Nicodemos	)	**File No. A 216-586-381**
Nicaelly Geovana Lima Nicodemos	)	**File No. A 216-541-473**
Nicolly Karine Lima Nicodemos	)	**File No. A 216-541-472**
In Removal Proceedings	)	

Immigration Judge: **Daly, Robert B.** Next Hearing: **November 6, 2026, at 1:00 p.m.**

RESPONDENTS' MOTION TO CHANGE VENUE

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RESPONDENTS' MOTION TO CHANGE VENUE

COMES NOW, Otavio Haverroth Silva, counsel for the above-referenced Respondents, and respectfully moves this Court, pursuant to 8 C.F.R. § 1003.20, to change venue of these consolidated removal proceedings from the Concord Immigration Court to the Seattle Immigration Court, which has jurisdiction over Respondents' place of residence in Lake Stevens, Washington. In support of this motion, Respondents state as follows:

I. RELEVANT FACTS AND PROCEDURAL HISTORY

Respondents are a family of five whose removal proceedings have been consolidated under the lead file of Angelo Marcio Nicodemos (A 216-541-471). The rider Respondents are his wife, Poliana Lima Nicodemos, and their three children, Nicollas Lima Nicodemos, Nicaelly Geovana Lima Nicodemos, and Nicolly Karine Lima Nicodemos. Pursuant to a Notice of In-Person Hearing issued on September 11, 2026, the case is scheduled for a Master Calendar Hearing before Immigration Judge Robert B. Daly on November 6, 2026, at 1:00 p.m., at the Concord Immigration Court.

Respondents no longer reside in California. After living at 3400 Steverson Blvd., Apt. J28, Fremont, CA 94538, the family relocated to Washington State, where they currently reside at **8526 Vernon Rd., Apt. 1, Lake Stevens, WA 98258**. The Respondents notified the Court of this change by filing Form EOIR-33/IC on April 28, 2025; 8 C.F.R. § 1003.15(d)(2). This is a fixed

street address at which each Respondent may be reached for all further hearing notices. *See* 8 C.F.R. § 1003.20(c).

Respondents' lives are now firmly rooted in Washington, where the family has resided since at least April 2025 and where they intend to remain. These proceedings, however, remain venued before this Court, and the September 11, 2026 Notice of In-Person Hearing requires all five Respondents to appear in Concord, California, more than 700 miles from their home in Lake Stevens. For each hearing in this Court, the entire family, including three children, would therefore have to make an interstate trip of more than 1,400 miles round trip.

II. LEGAL STANDARD

Venue lies with the Immigration Court where jurisdiction vests upon the filing of the charging document. 8 C.F.R. §§ 1003.14(a), 1003.20(a). "The Immigration Judge, for good cause, may change venue only upon motion by one of the parties, after the charging document has been filed with the Immigration Court," and only after the other party has been given notice and an opportunity to respond. 8 C.F.R. § 1003.20(b). Whether to grant a change of venue rests within the Immigration Judge's discretion. *Id.*; *Matter of Rivera*, 19 I&N Dec. 688 (BIA 1988).

In determining whether good cause exists, the Immigration Judge balances relevant factors, including administrative convenience, expeditious treatment of the case, the location of witnesses, the cost of transporting witnesses or evidence to a new location, "factors commonly associated with the alien's place of residence," and the position of the opposing party. *Matter of I-B-M-S-, et al.*, 29 I&N Dec. 628, 629 (BIA 2026) (citing *Matter of Rahman*, 20 I&N Dec. 480, 482–84 (BIA 1992)). The timing of the request also matters: "[t]he weight accorded to [expeditious treatment] increases as the proceedings progress," so that circumstances warranting a change of venue at an early stage may be insufficient once an individual hearing has been scheduled or has commenced. *Id.* at 630. In addition, a change of venue requires identification of a fixed street address where the respondent may be reached for further hearing notification. 8 C.F.R. § 1003.20(c).

III. ARGUMENT

A. Good cause exists because every factor tied to Respondents' place of residence points to Seattle.

The Board has recognized that factors associated with a respondent's place of residence are relevant to the venue. *I-B-M-S-*, 29 I&N Dec. at 629–30. Here, all five Respondents live in Lake Stevens, Washington, less than 50 miles from the Seattle Immigration Court and more than 700 miles from this Court. Requiring an entire family, including three children, to travel between Washington and Northern California for every hearing would impose substantial and recurring costs for transportation and lodging, as well as repeated absences from work and school. A transfer to Seattle would remove that burden and allow Respondents to attend every future hearing reliably.

Administrative convenience and the location of evidence lead to the same conclusion. Documentation of Respondents' present circumstances, and any witnesses residing in the United States whom Respondents may present, are located in Washington. Venue in Seattle would also reduce the likelihood of future motions to continue, requests for remote appearance, and other scheduling complications that predictably arise when a family must litigate in a court located in a different state. DHS litigates removal cases before the Seattle Immigration Court, and a transfer would not prejudice its ability to defend this case.

B. The request is timely and is not made for purposes of delay.

This case remains at the master calendar stage. No individual hearing has been scheduled and no testimony has been taken. The concern that animated *I-B-M-S-*, a change of venue requested on the eve of, or during, an individual hearing, is therefore absent. *See* 29 I&N Dec. at 630. This is Respondents' first motion to change venue, and it seeks only to place the case in the court that serves the community where Respondents actually live.

C. All procedural requirements for a change of venue are satisfied.

This motion is filed by a party after the Notice to Appear was filed with the Court. 8 C.F.R. § 1003.20(b). It identifies the date and time of the next scheduled hearing, a fixed street address where Respondents may be reached, the EOIR-33/IC reflecting their change of address, and a detailed explanation of the reasons for the request. *See* 8 C.F.R. § 1003.20(c); Immigration Court Practice Manual (ICPM), Ch. 5.10(c).

Respondents understand that the filing of this motion does not excuse their appearance at any scheduled hearing. ICPM, Ch. 5.10(c). For that reason, Respondents have concurrently filed a Motion for Video Appearance so that they and counsel may attend the November 6, 2026 hearing while this motion remains pending.

IV. CONCLUSION

For the foregoing reasons, Respondents respectfully request that this Court:

(a) Grant this Motion to Change Venue;

(b) Transfer venue of these consolidated proceedings to the Seattle Immigration Court, 915 2nd Avenue, Suite 613, Seattle, WA 98174, which has jurisdiction over Respondents' residence in Lake Stevens, Washington;

(c) Direct that all future hearing notices be sent to Respondents at 8526 Vernon Rd., Apt. 1, Lake Stevens, WA 98258, and to undersigned counsel; and

(d) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,



_____

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

Angelo Marcio Nicodemos	**File No. A. 216-541-471**
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Nicolly Karine Lima Nicodemos	**File No. A. 216-541-472**

PROOF OF SERVICE

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

RESPONDENTS' MOTION TO CHANGE VENUE

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	Office of the Principal Legal Advisor Department of Homeland Security Office of the Chief Counsel 100 Montgomery Street, Suite 200 San Francisco, CA 94104

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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