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Non-Detained

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
800 Dolorosa Street, Suite 300
San Antonio, TX 78207

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In the Matter of	)	
	)	
Samara Fernanda da Silva Bueno	)	File No. A. 245-961-671
	)	
In Removal Proceedings	)	
	)	
_____	)	

Immigration Judge: Tijerina, Eric J.

Next Hearing Date: September 1, 2026, at 8:30 AM

**RESPONDENT'S OBJECTION TO FORM I-213 AND MOTION TO CORRECT
RECORD OF ENTRY**

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In the Matter of

Samara Fernanda da Silva Bueno

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File No. A. 245-961-671

**RESPONDENT’S OBJECTION TO FORM I-213 AND MOTION TO CORRECT
RECORD OF ENTRY**

Respondent, Samara Da Silva-Bueno, through undersigned counsel, respectfully submits this **Objection to Form I-261 and Motion to Correct Record of Entry** to correct a factual error in the entry date set forth in the Department of Homeland Security’s (DHS) Form I-261, filed on July 6, 2026.

STATEMENT OF FACTS

1. Respondent lawfully entered the United States on July 1, 2019, as a J-1 nonimmigrant visa holder, as verified by her Official Form I-94 Arrival/Departure Record, attached hereto as reference (Exhibit 1).
2. Following an encounter with Customs and Border Protection (CBP) agents near the border during a trip in Texas, DHS issued a Notice to Appear (NTA) improperly placing Respondent in removal proceedings under INA § 212(a)(6)(A)(i) for allegedly entering the country without inspection or parole on April 9, 2024. *See* Notice to Appear.
3. In December 2025, Respondent filed a Motion to Terminate based on the fundamentally flawed factual allegations and improper charges in the NTA. DHS opposed this motion and relied on Form I-213, which similarly contained erroneous allegations. *See* Motion to Terminate (Dec. 12, 2025); Reply to Motion (Dec. 11,

2025); I-213, Record of Deportable / Inadmissible Alien.

4. Respondent objected to the Form I-213 and the Court granted Respondent's request to apply appropriate evidentiary weight to the Form I-213 upon hearing testimony.
5. During the master calendar hearing held on July 6, 2026, DHS finally conceded that its primary charge was unsustainable and that Respondent was, in fact, inspected and admitted.
6. To reflect this concession, DHS filed Form I-261 to withdraw the original allegations, uncheck Box 2, check Box 3, and add a charge under INA § 237(a)(1)(B). *See* I-261, Additional Charges of Inadmissibility / Deportability.
7. However, despite multiple filings and a prolonged history of factual misstatements, DHS once again failed in its statutory obligation to maintain an accurate record. Added Allegation #3 incorrectly states: "You were admitted to the United States in April 4, 2019 as a non-immigrant J-1 visa holder with authorization to remain in the United States for a temporary length of time". *See* I-261, Additional Charges of Inadmissibility / Deportability.
8. Respondent actually lawfully entered and was admitted to the United States on July 1, 2019, as demonstrated by Respondent's undisputed Form I-94 Arrival/Departure Record. *See* Exhibit 1.

ARGUMENT

DHS bears the burden of establishing removability by clear and convincing evidence based on accurate pleadings. INA § 240(c)(3)(A). While DHS may lodge additional or substituted charges pursuant to 8 C.F.R. § 1003.30 and § 1240.10(e), it maintains an affirmative obligation to ensure the accuracy of its allegations.

Throughout these proceedings, the record has been continuously burdened by government error: from the initial false assertion of an uninspected entry, to reliance on inaccurate Form I-213 data, and now to an incorrect date of entry on Form I-261.

While Respondent acknowledges that DHS properly amended the charge from INA § 212(a)(6)(A)(i) to INA § 237(a)(1)(B), the factual record must accurately reflect her true immigration timeline. Correcting Added Allegation #3 from "April 4, 2019" to "July 1, 2019" is legally required to resolve this persistent error.

This correction is critical to protecting Respondent's procedural due process rights and

safeguarding her pending applications. Respondent currently has a pending Form I-130 filed by her U.S. citizen spouse (making her eligible for adjustment of status) as well as a pending Deferred Action request (Form G-325A) as a spouse to an active duty U.S. Armed Forces member and for medical and humanitarian grounds. Leaving an incorrect entry date on the operative charging document creates conflict with USCIS records and distorts her physical presence timeline under the INA. To prevent these inconsistencies from unfairly prejudicing her eligibility for relief, Form I-261 must be amended to reflect her actual date of admission: July 1, 2019.

Ensuring the record accurately reflects Respondent's true date of lawful entry is critical to protecting her procedural due process rights and establishing an unassailable foundation for future relief applications.

PRAYER FOR RELIEF

WHEREFORE, Respondent respectfully requests that this Honorable Court:

1. SUSTAIN Respondent's objection to Allegation #3 of Form I-261 regarding the inaccurate date of entry;
2. ORDER DHS to amend Form I-261, Added Allegation #3, to reflect Respondent's actual date of admission as July 1, 2019; and
3. Grant such further relief as the Court deems just and proper.

Respectfully submitted,



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

Form I-94 Arrival/Departure Record

1

Exhibit 1

 For: **SAMARA DA SILVA BUENO**



U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Note to employers, local, state or federal agency granting benefits:

Please visit the CBP I-94/I-95 Website and click on the tab for "Get Most Recent I-94/I-95" to perform a search for the applicant to confirm that the biographic and travel information displayed on this I-94/I-95 printout matches the "Get Most Recent I-94/I-95" returned results for this applicant. Reference the CBP I-94/I-95 Website FAQs.

Admission I-94 Record Number: 087189026A2

Arrival/Issued Date: 2019 July 01

Class of Admission: J1

Admit Until Date: D/S

Details provided on the I-94 Information form:

Last/Surname: DA SILVA BUENO

First (Given) Name: SAMARA

Birth Date: 1992 September 27

Document Number: FW840055

Country of Citizenship: Brazil

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- ▶ Effective April 26, 2013, DHS began automating the admission process. An alien lawfully admitted or paroled into the U.S. is no longer required to be in possession of a preprinted Form I-94/I-95. A record of admission printed from the CBP website constitutes a lawful record of admission. See 8 CFR § 1.4(d).
 - ▶ What to do if someone requests your admission info: If an employer, local, state or federal agency requests admission information, present your admission (I-94/I-95) number along with any additional required documents requested by that employer or agency.
 - ▶ For security, close your browser after retrieving your I-94/I-95 number.
 - ▶ Nonimmigrant travelers departing the United States by land or private vessel can now use the CBP Link Mobile Application to report their departure. Please note that departure should only be reported after you have physically left the United States. If you departed by air or sea, your departure was likely recorded automatically.

OMB No. 1651-0111
Expiration Date: 07/31/2026

Proof of Service

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

**RESPONDENT'S OBJECTION TO FORM I-213 AND MOTION TO CORRECT
RECORD OF ENTRY**

To the following:

Office Location:	Mailing Address:
Office of the Principal Legal Advisor Department of Homeland Security 1015 Jackson-Keller Road, Suite 100 San Antonio, TX 78213	US Immigration and Customs Enforcement US Department of Homeland Security Office of the Principal Legal Advisor 1015 Jackson-Keller Road, Suite 100 San Antonio, TX 78213

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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