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Non-Detained

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
130 Delaware Avenue, Suite 300
Buffalo, NY, 14202**

In the Matter of

Oscar Patricio Azogue Martinez

In Removal Proceedings

File No. A 245-892-413

Immigration Judge: N/A

Next Hearing: N/A

RESPONDENT'S WRITTEN PLEADINGS

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COMES NOW, Otavio Silva, counsel for the above-referenced Respondents, and respectfully makes the following representation:

1. The Respondent admit proper service of the Notice to Appear, dated March 11, 2024
2. I have explained to the Respondent:
 - 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 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 Respondent concedes the allegation of 212 (a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien 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 Respondent admits the stipulated 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 Ecuador and a citizen of Ecuador;
 - c) The Respondent arrived in the United States at or near Lukeville, Arizona, on or about March 09, 2024.
 - d) The Respondent was not then admitted or paroled after inspection by an Immigration Officer.
5. The Respondent concedes the charge(s) of removability.
 6. In the event of removal, the Respondent **declines to designate a country of removal**. The Respondent intends to apply for the following forms of relief from removal:
 - a. **Asylum, Withholding of Removal, and protection under the Convention Against Torture:** A Form I-589 has already been filed and is part of the Respondent's record;
 - b. Any other relief for which the Respondent may be eligible.
 7. If background and security investigations are required, the Respondent will comply with the instructions to be received from DHS. I will explain the biometric instructions to the respondent. Additionally, I will explain that, under 8 C.F.R. § 1003.47(d), failure to provide biometrics or other biographical information within the time allowed will constitute abandonment of the application unless the Respondent demonstrates that such failure was the result of good cause.
 8. The Respondent estimates 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 Respondent's native language is **Equatorian Spanish**. Therefore, the Respondent respectfully requests an interpreter for future hearings.
 10. Based on the foregoing, counsel respectfully requests that the Court accept these Written Pleadings.

Respectfully



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

Exhibit list

Exhibits:

Pages:

Exhibit 1

Respondent's Pleading Declaration with English
Translation

1-2

Exhibit 1

RESPONDENT'S PLEADING DECLARATION

I, Oscar Patricio Azogue Martinez (A- 245-892-413) declare, under penalty of perjury, that I am a native of Ecuador and my native language is Spanish. I am not fluent in English and I cannot understand communication in that language in a broad and adequate manner.

I, Oscar Patricio Azogue Martinez was informed about my rights in this process by my attorney and representative. I understand those rights. I waive an additional explanation of those rights by this Court.

I was informed by my attorney and representative about the consequences of failing to appear at a hearing. I was also informed by my attorney about the consequences of failing to appear for a scheduled departure or deportation date. I understand those consequences.

I was informed by my attorney and representative about the consequences of knowingly filing a frivolous asylum application. I understand those consequences.

I was informed by my attorney and representative about the consequences of failing to follow DHS biometrics instructions within the allowed time. I understand those consequences.

I understand that, if my mailing address changes, I must notify the Court within 5 days after that change by completing an Alien's Change of Address Form (Form EOIR-33/IC) and filing it with this Court.

Finally, my attorney and representative explained to me what this Written Declaration says. I understand, agree, and request that the Court accept my declaration.

/ SIGNATURE/

Date: 02/23/ 2026

OSCAR PATRICIO AZOGUE MARTINEZ

I, Andre Vinicius Inacio Pena 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 Spanish 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.



Date: 02/23/2026

ANDRE VINICIUS INACIO PENNA MELLO

DECLARACIÓN DE ALEGATOS FINALES

Yo, Oscar Patricio Azogue Martinez (A- 245-892-413), declaro, bajo pena de perjurio, que soy nativo de Ecuador y mi idioma nativo es el español. No soy fluido en inglés y no puedo entender la comunicación en ese idioma de manera amplia y adecuada.

Yo, Oscar Patricio Azogue Martinez, fui informado sobre mis derechos en este proceso por mi abogado y representante. Entiendo esos derechos. Renuncio a una explicación adicional de esos derechos por este tribunal.

Fui informado por mi abogado y representante sobre las consecuencias de no comparecer a una audiencia. También fui informado por mi abogado sobre las consecuencias de no comparecer a una fecha programada de salida o deportación. Entiendo esas consecuencias.

Fui informado por mi abogado y representante sobre las consecuencias de presentar conscientemente una solicitud de asilo frívola. Entiendo esas consecuencias.

Fui informado por mi abogado y representante sobre las consecuencias de no seguir las instrucciones biométricas del DHS dentro del plazo permitido. Entiendo esas consecuencias.

Entiendo que, si mi dirección de correspondencia cambia, debo notificar al tribunal dentro de los 5 días posteriores a ese cambio, completando un Formulario de Cambio de Dirección de Extranjero (Formulario EOIR-33/IC) y presentándose a este tribunal.

Finalmente, mi abogado y representante me explicó lo que dice esta Declaración Escrita. Entiendo, estoy de acuerdo y solicitó que el tribunal acepte mi declaración.

fu/wf.

Fecha: 02/23/ 2026

Oscar Patricio Azogue Martinez