

**TAB B**

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
LOS ANGELES, CALIFORNIA

IN THE MATTER OF:  
HERNANDEZ-ALVARADO, JENNY

DATE: Feb 4, 1999

CASE NO. A75-785-174

RESPONDENT IN REMOVAL PROCEEDINGS

DECISION

Jurisdiction was established in this matter by the filing of the Notice to Appear issued by the Immigration and Naturalization Service, with the Executive Office for Immigration Review and by service upon the respondent. See 8 C.F.R. sections 3.14(a), 103.5a.

The respondent was provided written notification of the time, date and location of the respondent's removal hearing. The respondent was also provided a written warning that failure to attend this hearing, for other than exceptional circumstances, would result in the issuance of an order of removal in the respondent's absence provided that removability was established. Despite the written notification provided, the respondent failed to appear at his/her hearing, and no exceptional circumstances were shown for his/her failure to appear. This hearing was therefore conducted in absentia pursuant to section 240(b)(5)(A) of the Immigration and Nationality Act.

X 1. At a prior hearing the respondent admitted the factual allegations in the Notice to Appear and conceded removability. I find removability established as charged.

E. I. The Immigration and Naturalization Service submitted documentary evidence relating to the respondent which established the truth of the factual allegations contained in the Notice to Appear. I find removability established as charged.

I further find that the respondent's failure to appear and proceed with any applications for relief from removal constitutes an abandonment of any pending applications and any applications the respondent may have been eligible to file. These applications are deemed abandoned and denied for lack of prosecution. See Matter of Pearson, 19 I&N Dec. 152 (BIA 1969); Matter of Perez, 19 I&N Dec. 433 (BIA 1987); Matter of P-R-Interim Decision 3182 (BIA 1992).

ORDER: The respondent shall be removed to EL SALVADOR or in the alternative to \_\_\_\_\_ on the charge(s) contained in the Notice to Appear.

*Margaret R. Reichnebers*  
MARGARET R. REICHNEBERS  
Immigration Judge