

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK, NEW YORK

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FUENTES-ESCOBAR, ALEXI DE JESUS
9425 222ND STREET APT 5
QUEENS VILLAGE NY 11428

RECEIVED

FEB 09 2006

IMMIGRATION COURT, NYC

IN THE MATTER OF
FUENTES-ESCOBAR, ALEXI DE JESUS

FILE A200-119-790

DATE: Jan 6, 2006

DEPARTMENT OF JUSTICE
E.O.I.R./IMM. COURT

2006 FEB -9 PM 12:27

NEW YORK, NY 10278

— UNABLE TO FORWARD - NO ADDRESS PROVIDED

— ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL, ATTACHED DOCUMENTS, AND FEE OR FEE WAIVER REQUEST MUST BE MAILED TO:
BOARD OF IMMIGRATION APPEALS
OFFICE OF THE CLERK
P.O. BOX 8530
FALLS CHURCH, VA 22041

P- ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION 240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

IMMIGRATION COURT
26 FEDERAL PLZ 12TH FL., RM1237
NEW YORK, NY 10278

OTHER: Judge Ortiz

Shubh Mahal
COURT CLERK
IMMIGRATION COURT

FF

CC: DOUGLAS C. LIGOR, ESQ.
26 FEDERAL PLAZA
NEW YORK, NY, 10278

SYM

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK CITY, NEW YORK

IN THE MATTER OF:
FUENTES-LECOBAR, ALEXI DE JESUS

DATE: Jan 6, 2006

CASE NO. A200-119-790

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.

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

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. Those applications are deemed abandoned and denied for lack of prosecution. See Matter of Pearson, 13 I&N Dec. 152 (BIA 1969); Matter of Perez, 19 I&N Dec. 433 (BIA 1987); Matter of R-R, 20 I&N Dec. 547 (BIA 1992).

ORDER: The respondent shall be removed to alternative to contained in the Notice to Appear.

EL SALVADOR

on the charge(s)

SANDY HON
Immigration Judge

cc: Assistant District Counsel
Attorney for Respondent/Respondent

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK, NEW YORK

FUENTES-ESCOBAR, ALEXI DE JESUS
9425 222ND STREET APT 5
QUEENS VILLAGE NY 11428

A COPY OF THIS DECISION WAS:
PERSONALLY SERVED ☐ ALIEN/ATTY TA'S ☐
SERVED VIA US MAIL ☒ ☒
DATE 1-6-06 11 CLK 5m

IN THE MATTER OF FILE A200-119-790 DATE: Jan 6, 2006
FUENTES-ESCOBAR, ALEXI DE JESUS

___ UNABLE TO FORWARD - NO ADDRESS PROVIDED

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IMMIGRATION COURT
26 FEDERAL PLZ 12TH FL., RM1237
NEW YORK, NY 10278

OTHER: [Signature]

[Signature]
COURT CLERK
IMMIGRATION COURT

FF

CC: DOUGLAS C. LIGOR, ESQ.
26 FEDERAL PLAZA
NEW YORK, NY, 10278

SYH

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
NEW YORK CITY, NEW YORK

IN THE MATTER OF:
FUENTES-ESCOBAR, ALEXI DE JESUS

DATE: Jan 6, 2006

CASE NO. 100-119-790

RESPONDENT IN REMOVAL PROCEEDINGS

DECISION

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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. Those applications are deemed abandoned and denied for lack of prosecution. See Matter of Pearson, 13 I&N Dec. 152 (BIA 1969); Matter of Perez, 19 I&N Dec. 433 (BIA 1987); Matter of R-R, 20 I&N Dec. 547 (BIA 1992).

ORDER: The respondent shall be removed to *EL SALVADOR*
~~alternative to~~
contained in the Notice to Appear.

on the charge(s)

[Signature]
SANDY HOM
Immigration Judge

cc: Assistant District Counsel
Attorney for Respondent/Respondent


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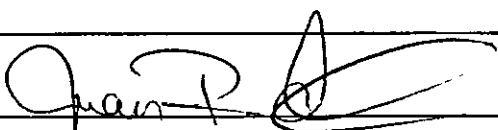
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U.S. Department of Justice
Immigration and Naturalization Service

Record of Deportable/Inadmissible Alien

Family Name (CAPS) FUENTES-Escobar, Alexi De Jesus		First De Jesus	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship EL SALVADOR	Passport Number and Country of Issue Case No: BRP0509001433 A200 119 790		File Number	Height 67	Weight 170	Occupation LABORER	
U.S. Address 9425 222ND ST APT 5 QUEENS VILLAGE, NEW YORK 11428				Scars and Marks See Narrative			
Date, Place, Time, and Manner of Last Entry 09/28/2005, 1358, 16 mile(s) W of BRO, PWA MEXICO/AFOOT				Passenger Boarded at		F.B.I. Number 219473KC6	
Number, Street, City, Province (State) and Country of Permanent Residence COLONIA ALTOS DEL ESTADIO SANTA ROSA, LA UNION EL SALVADOR				At/Near Brownsville, Texas		Date/Time 09/28/2005 1400	
Date of Birth 03/16/1978	Age: 27	Date of Action 09/28/2005	Location Code MCA/BRP	By SAMUEL CLARK			
City, Province (State) and Country of Birth SANTA ROSA, LA UNION, EL SALVADOR	AR <input checked="" type="checkbox"/>	Form: (Type and No.)	Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	Status at Entry PWA Mexico		Status When Found TRAVEL/SEEK ING	
NIV Issuing Post and NIV Number	Social Security Account Name			Length of Time Illegally in U.S. AT ENTRY			
Date Visa Issued	Social Security Number						
Immigration Record NEGATIVE - See Narrative			Criminal Record None known				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children NONE			
Father's Name, Nationality, and Address, if Known Nationality: EL SALVADOR FUENTES, Mario De Jesus CUNTON PASAJENITA SANTA ROSA, LA UNION EL SALVADOR			Mother's Present and Maiden Names, Nationality, and Address, if Known ESCORBAR, Juana COLONIA ALTOS DEL ESTADIO SANTA ROSA, LA UNION EL SALVADOR				
Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	INS Systems Checks See Narrative	Charge Code Word(s) I6A				
Name and Address of (Last)/(Current) U.S. Employer	Type of Employment	Salary Hr.	Employed from/to				
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN #: 17808811							
SCARS, MARKS AND TATTOOS							
SCAR ARM, LEFT UPPER							
MOTHER'S NATIONALITY							
EL SALVADOR							
FUNDS IN POSSESSION							
100.00 United States Dollar AEF							
INS SYSTEMS CHECKS							
Central Index System Negative							
Computer Linked Application Information Management System Negative							
Deportable Alien Control System Negative							
Integrated Automated Fingerprint Identification System Negative ✓							
National Crime Information Center Negative ✓							
Student and Exchange Visitor Information System Negative							
Treasury Enforcement Communications System Negative							
Narrative Title: Record of Deportable/Excludable Alien							
Narrative Created by DE LA GARZA							
Alien has been advised of communication privileges 9-28-05 JRD (Date/Initials)				 JUAN R. DE LA GARZA BORDER PATROL AGENT (Signature and Title of INS Official)			
Distribution: TO FILE MCA BRP				Received: (Subject and Documents) (Report of Interview) Officer: JUAN R. DE LA GARZA on: September 28, 2005 at 2100 (time) Disposition: Warrant of Arrest/Notice to Appear Examining Officer: CHRISTOBAL X. MENDEZ			

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Alien's Name FUENTES-Escobar, Alexi De Jesus	File Number Case No: BRP0509001433 A200 119 790	Date 09/28/2005
<p>FBI WATCHLIST NEGATIVE IAFIS NEGATIVE</p> <p>ENCOUNTER/ARREST DATA: On September 28, 2005, while performing line-watch duties in the Zone 6 area of operations in Brownsville, Texas, Border Patrol Agent S. Clark encountered FUENTES-Escobar, Alexi De Jesus walking away from the river. Agent Clark identified himself as an Immigration Officer and questioned FUENTES-Escobar as to his citizenship. FUENTES-Escobar freely admitted to Agent Clark that he was a native and citizen of El Salvador by virtue of birth. Agent Clark then asked FUENTES-Escobar if he had any immigration documents to be or remain in the United States legally, and he stated that he had no such documents. At approximately 2:00 p.m., Agent Clark placed FUENTES-Escobar under arrest without incident and transported him to the Brownsville Border Patrol Station for further processing.</p> <p>ENTRY DATA: Once at the station, FUENTES-Escobar was enrolled in the ENFORCE/IDENT/IAFIS Database, which yielded negative results. FUENTES-Escobar was then advised of his legal rights as per Service Form I-848 (Request for Disposition for Salvadorans). On September 28, 2005, at approximately 1:58 p.m. FUENTES-Escobar, Alexi De Jesus, waded the Rio Grande River illegally from Mexico into the United States, approximately sixteen miles west of the Gateway International Port of Entry in Brownsville, Texas. FUENTES-Escobar was not then admitted or paroled after inspection by a specified immigration officer of the United States.</p> <p>TRAVEL DATA: On September 11, 2005, FUENTES-Escobar, Alexi De Jesus departed from La Union, El Salvador by bus and arrived at Aguascalientes, Guatemala the following day. FUENTES-Escobar claims that he entered Guatemala legally by presenting a valid travel permit. FUENTES-Escobar departed from Aguascalientes, Guatemala on September 13, 2005 and arrived at Tapachula, Chiapas, Mexico on September 15, 2005. FUENTES-Escobar claims that he entered Mexico illegally on board a bus. FUENTES-Escobar then traveled through several Mexican cities before arriving in Matamoros, Tamaulipas, Mexico on September 27, 2005. FUENTES-Escobar claims that he spent the night at a shelter home in Matamoros before gaining illegal entry into the United States on September 28, 2005.</p> <p>INTENDED DESTINATION: FUENTES-Escobar, Alexi De Jesus is enroute to 9425 222nd St Apt 5 in Queens Village, New York to reside with his brother Jose Fuentes. Jose Fuentes was contacted at telephone number (516) 428-0622 in order to confirm the aforementioned address. The address was also confirmed through the United States Postal Service Website.</p> <p>RECORD CHECKS: ALL IMMIGRATION AND CRIMINAL HISTORY CHECKS WERE NEGATIVE.</p> <p>NOTE:</p>		
Signature JUAN R. DE LA GARZA		Title BORDER PATROL AGENT

Alien's Name FUENTES-Escobar, Alexi De Jesus	File Number Case No: BRP0509001433 A200 119 790	Date 09/28/2005
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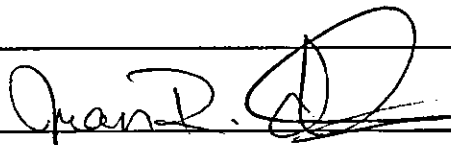
A search of FUENTES-Escobar's belongings did not reveal any information that could be of use for intelligence purposes.

DISPOSITION:

FUENTES-Escobar, Alexi De Jesus (A200 119 790), was initially processed for a Warrant of Arrest/Notice to Appear, but due to the lack of detention space at the Port Isabel Service Processing Center, FUENTES-Escobar was issued a Notice to Appear. SIEA Carrillo denied detention space on September 28, 2005, at 4:30 p.m. All necessary forms were issued to include a list of free legal services. FUENTES-Escobar was also issued Service Form EOIR-33 (Change of Address) and given an explanation on its usage. FUENTES-Escobar was advised that he has a hearing before an Immigration Judge in New York City, New York on January 06, 2006 at 9:00 a.m.

Signature

JUAN R. DE LA GARZA



Title

BORDER PATROL AGENT

3 of 3 Pages

In removal proceedings under section 240 of the Immigration and Nationality Act

File No: A200 119 790

Case No: BRP0509001433

FIN #: 17808811

In the Matter of:

Respondent: Alexi De Jesus FUENTES-Escobar

currently residing at:

9425 222ND ST APT 5
QUEENS VILLAGE NEW YORK 11428

(Number, street, city state and ZIP code)

(516) 428-0622

(Area code and phone number)

- ☐ 1. You are an arriving alien.
- ☒ 2. You are an alien present in the United States who has not been admitted or paroled.
- ☐ 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of EL SALVADOR and a citizen of EL SALVADOR;
- 3) You arrived in the United States at or near Brownsville, Texas, on or about September 28, 2005;
- 4) You were not then admitted or paroled after inspection by an Immigration Officer.

OCT 24 2005

IMMIGRATION COURT NYC

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

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.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8 CFR 208.30(f)(2) ☐ 8 CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
26 Federal Plaza 12th Floor Room 1237 New York NEW YORK US 10278

(Complete Address of Immigration Court, Including Room Number, if any)

on January 6, 2006 at 09:00 a.m. to show why you should not be removed from the United States based on the
(Date) (Time)
charge(s) set forth above.

ROBEN GARCIA
SUPERVISORY BORDER PATROL AGENT

(Signature and Title of Issuing Officer)

Date: September 28, 2005

Brownsville, Texas

(City and State)

See reverse for important information

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this Notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents which you desire to have considered in connection with your case. If any document is in a foreign language, you must bring the original and a certified English translation of the document. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or deportable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear, of any relief from removal for which you may appear eligible including the privilege of departing voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the INS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the INS.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to have a 10-day period prior to appearing before an immigration judge.

(Signature of Respondent)

Before:

Date:

(Signature and Title of INS Officer)

Certificate of Service

This Notice to Appear was served on the respondent by me on September 28, 2005, in the following manner and in rt index compliance with section 239(a)(1)(F) of the Act:
(Date)

- ☒ in person ☐ by certified mail, return receipt requested ☐ by regular mail
☐ Attached is a credible fear worksheet.
☒ Attached is a list of organizations and attorneys which provide free legal services.

The alien was provided oral notice in the Spanish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Abel de Jesus Pantoja Escobar
(Signature of Respondent if Personally Served)

Juan R. de la Garza
BORDER PATROL AGENT
(Signature and Title of Officer)