

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

PORFIRIO SPERANDIO,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2021B00025
	)	
UNITED PARCEL SERVICE, INC.,	)	
Respondent.	)	
	)	

Appearances: Porfirio Sperandio, pro se, Complainant
Patrick Shen, Esq., Daniel Brown, Esq., and K. Edward Raleigh, Esq., for
Respondent

ORDER DENYING COMPLAINANT’S MOTION TO REQUEST WAIVER

This case arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324b. Complainant Porfirio Sperandio filed a complaint with the Office of the Chief Administrative Hearing Officer (OCAHO) on March 22, 2021, alleging that Respondent, United Parcel Service, Inc., discriminated against him on the basis of his citizenship status and national origin, thereby violating § 1324b.

On May 23, 2022, Complainant filed Complainant’s Motion to Request the Waiver of Residency Time and Application Fees Requirements for USCIS N-400 Naturalization Application Form (Motion to Request Waiver). On May 24, 2022, Respondent filed its Opposition to Complainant’s Motion to Request Waiver of Residence Time and Application Fee Requirements for USCIS Naturalization Application Form (Opposition).¹ On the same day, Complainant filed his Response to Respondent’s Opposition to Motion for Wave of Residency and Application Fees Requirements on Form N-400 (Reply).

I. DISCUSSION

¹ On May 24, 2022, Respondent filed Respondent’s Notice of Correction in which it stated it mis-dated the Opposition for May 27, 2022. The Court accepts the original filing and the notice of correction.

In his Motion for Waiver, Complainant requests the undersigned to grant him a waiver for the residency time prerequisite and application fees required for his naturalization application. Mot. Waiver 2. Respondent responds that “OCAHO lacks the authority to waive the application fees and residency requirements applicable to naturalization and Form N-400.” Opp’n 2.

Respondent is correct. “[T]he Court’s jurisdiction in this case is limited to 8 U.S.C. § 1324b.” Zajradhara v. CL Corp., 16 OCAHO no. 1429, 3 (2022) (citation omitted).² Additionally, “[p]etitions for naturalization, when filed, are initially under the sole jurisdiction of [U.S. Citizenship and Immigration Services], which has the power to grant or deny naturalization to an alien applicant.” Agarwal v. Napolitano, 663 F. Supp. 2d 528, 532 (W.D. Tex. 2009) (citing 8 U.S.C. § 1421(a); e.g., Martinez v. Johnson, 104 F. Supp. 3d 835, 841 (W.D. Tex. 2015) (“It is settled law in this Circuit, then, that [U.S. Citizenship and Immigration Services] has exclusive authority to naturalize aliens pursuant to § 1421[.]”). The Court lacks jurisdiction over the naturalization process and the requirements for the naturalization application. *See Reed v. Dupont Pioneer Hi-Bred Int’l, Inc.*, 13 OCAHO no. 1321, 3 (2019) (citing § 1324b(a) (“This Court notes that it has no jurisdiction to enforce the requirements for approval of H-2A visa petitions under 8 U.S.C. § 1188.”)). Accordingly, Complainant’s Motion for Waiver is DENIED.

SO ORDERED.

Honorable John A. Henderson
Administrative Law Judge

DATE: July 15, 2022

² Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database “FIM-OCAHO,” or in the LexisNexis database “OCAHO,” or on the website at <http://www.justice.gov/eoir/OcahoMain/ocahosibpage.htm#PubDecOrders>.