



## **I. FACTUAL AND PROCEDURAL BACKGROUND**

Garcia-Melendez is a native and citizen of Mexico who, by his own admission, was present in the United States without EET BT e.12 /F13

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<sup>1</sup>Cancellation of removal is a form of discretionary relief passed as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), enacted on September 30, 1996. See Pub. L. No. 104-208 (Division C), 110 Stat. 3009-546. In IIRIRA section 304, Congress eliminated INA section 212(c) relief as well as suspension of deportation, and replaced them with two forms of cancellation of removal, one for alielwho arSee

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legal permanent residents, and one for those who are not. The  
statutory requirements for cancellation of status for a non- The

242(a)(2)(B) of the INA, however, limits judicial review of certain discretionary decisions made in immigration proceedings. 8 U.S.C. § 1252(a)(2)(B). This section, entitled "Denials of discretionary relief," deprives the courts of jurisdiction over certain matters:

[N]o court shall have jurisdiction to review (i) any judgment regarding the granting of relief under section . . . 1229b .





with respect to the credibility of the witnesses or ultimate  
factual findings based on credibility determinations." *Chun*, 40



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<sup>2</sup>Amicus curiae American Immigration Law Foundation ("AILF")

## V. CONCLUSION