

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Dib v. Shea

Dib · No. 25-4167 (JEB) · Decided June 2, 2026

SUMMARY

The United States District Court for the District of Columbia considers a challenge to the nearly two-year administrative-processing delay of a K-1 nonimmigrant visa application. The court holds that consular nonreviewability does not bar a challenge directed only at the timing of agency action, but concludes that the alleged delay is not unreasonable under the TRAC factors and grants defendants’ motion to dismiss. The court also rejects the plaintiff’s request for mandamus relief.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	James E. Boasberg
JURISDICTION	United States District Court for the District of Columbia
DECIDED	June 2, 2026
DOCKET	25-4167 (JEB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under § 706(1) of the Administrative Procedure Act and the Mandamus Act seeking an order compelling completion of processing of his K-1 visa application. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	For Rule 12(b)(1), the plaintiff bears the burden of establishing jurisdiction by a preponderance of the evidence, and the court assumes the truth of material factual allegations while construing the complaint liberally. For Rule 12(b)(6), the complaint must contain sufficient factual matter to state a plausible claim for relief. The court noted that dismissal on the merits under Rule 12(b)(6) is reviewed for abuse of discretion, while dismissal for lack of jurisdiction under Rule 12(b)(1) is reviewed de novo.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding on the D.C. Circuit.
PARTIES	Alaa Dib v. Peter T. Shea, Marco A. Rubio

TOPICS

consular processing visa petitions administrative procedure act mandamus immigration
motions to dismiss

PRACTICE AREAS

immigration law administrative law civil procedure foreign affairs remedies

QUESTIONS PRESENTED

1. Whether consular nonreviewability bars judicial review of a claim challenging the timing of administrative processing of a visa application rather than the substantive decision to grant or deny the visa.
2. Whether Dib plausibly alleged an unreasonable delay actionable under § 706(1) of the Administrative Procedure Act.
3. Whether Dib was entitled to a writ of mandamus compelling completion of the visa-processing process.

HOLDINGS

1. The doctrine of consular nonreviewability does not bar a suit challenging only the timing of administrative processing where the plaintiff seeks to compel the agency to make a decision within a reasonable time, not to require issuance or denial of the visa.
2. Dib failed to state a claim for unreasonable agency delay under APA § 706(1).
3. Dib was not entitled to a writ of mandamus compelling completion of his visa processing.

KEY QUOTATIONS

“Dib, however, is not challenging the result of a visa decision, but only its timing.” (5)

“He asserts only that, now that officials have opted for further processing, they must conclude it within a reasonable time.” (6)

“If a line of applicants is waiting for a decision and “putting [Plaintiff] at the head of the queue simply moves all others back one space and produces no net gain,” then that fact by itself usually precludes relief.” (13)

“For the reasons discussed above, Plaintiff flunks the TRAC factors and so is not entitled to a writ of mandamus, whichever formal prong applies to that failure.” (16)

FACTUAL BACKGROUND

Alaa Dib, a Syrian citizen living in Jordan, sought a K-1 nonimmigrant visa to enter the United States and marry his American fiancée, Manar Haitham Yared. Yared's Form I-129F petition was approved in September 2023, but after Dib's July 2024 interview at the U.S. consulate in Jordan, his visa application was refused under INA § 221(g) and placed in administrative processing. Dib submitted requested information on July 30, 2024, but received no substantive update before filing suit. He alleged that the prolonged separation caused significant mental and physical health harms to him and his fiancée.

PROCEDURAL HISTORY

Dib's K-1 visa application was refused under INA § 221(g) and placed in administrative processing after his July 2024 consular interview. After receiving no substantive update, he filed suit seeking an injunction compelling agency action and a writ of mandamus. The district court held that consular nonreviewability did not bar review of the alleged delay but granted Defendants' motion to dismiss because the delay was not sufficiently unreasonable under the applicable standards.

DISPOSITION

dismissed

CASES CITED

- Baan Rao Thai Rest. v. Pompeo, 985 F.3d 1020, 1024-25 (D.C. Cir. 2021)
- Saavedra Bruno v. Albright, 197 F.3d 1153, 1159 (D.C. Cir. 1999)
- Trump v. Hawaii, 585 U.S. 667, 702 (2018)
- Dep't of State v. Muñoz, 602 U.S. 899, 908 (2024)
- United States ex rel. Knauff v. Shaughnessy, 338 U.S. 537, 543 (1950)
- Norton v. S. Utah Wilderness All., 542 U.S. 55, 64-65 (2004)
- Karimova v. Abate, 2024 WL 3517852, at *3-6 (D.C. Cir. July 24, 2024)
- Al-Gharawy v. U.S. Dep't of Homeland Sec., 617 F. Supp. 3d 1, 11 (D.D.C. 2022)
- Diabin v. Rubio, 2025 WL 1824841, at *3 (D.D.C. July 2, 2025)
- Didban v. Pompeo, 435 F. Supp. 3d 168, 174, 176-77 (D.D.C. 2020)
- Motevali v. Rubio, 2025 WL 885116, at *5 (D.D.C. Mar. 21, 2025)
- Da Costa v. Immigr. Inv. Program Off., 80 F.4th 330, 340-46 (D.C. Cir. 2023)
- In re Am. Rivers, 372 F.3d 413, 418, 420 (D.C. Cir. 2004)
- Mashpee Wampanoag Tribal Council, Inc. v. Norton, 336 F.3d 1094, 1099, 1100, 1102 (D.C. Cir. 2003)
- In re Barr Lab'ys, Inc., 930 F.2d 72, 75-76 (D.C. Cir. 1991)
- American Hospital Ass'n v. Burwell, 812 F.3d 183, 189-92 (D.C. Cir. 2016)
- In re Bluewater Network, 234 F.3d 1305, 1315 (D.C. Cir. 2000)
- In re Core Commc'ns, Inc., 531 F.3d 849, 855 (D.C. Cir. 2008)
- In re People's Mojahedin Org. of Iran, 680 F.3d 832, 836-37 (D.C. Cir. 2012)
- Young v. EPA, 106 F.4th 56, 61 n.5 (D.C. Cir. 2024)
- Kramer v. Gates, 481 F.3d 788, 791 (D.C. Cir. 2007)
- Abdellatif v. U.S. Dep't of Homeland Sec., 109 F.4th 562, 569 (D.C. Cir. 2024)