

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Saraev v. Rubio

No. No. 25-cv-01740-ZMF, United States District Court for the District of Columbia (December 2, 2025)

SUMMARY

The United States District Court for the District of Columbia grants Defendants’ motion to dismiss Plaintiffs’ action seeking to compel adjudication of their EB-1A visa applications, which had been undergoing administrative processing under INA § 221(g). The court concludes that consular nonreviewability does not bar the claims because the refusal was not final, but holds that the approximately eleven-month delay was not unreasonable under the TRAC factors. The court therefore finds that Plaintiffs failed to plausibly allege unreasonable delay.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Zia M. Faruqui
JURISDICTION	United States District Court for the District of Columbia
DECIDED	December 2, 2025
DOCKET	No. 25-cv-01740-ZMF
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs brought an action seeking an order compelling federal officials to adjudicate their immigrant visa applications, which had been placed in administrative processing. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject-matter jurisdiction, and the court assumes the truth of material factual allegations and construes the complaint liberally. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief.
PRECEDENTIAL VALUE	Published district court memorandum opinion
PARTIES	Alexey Saraev, et al. v. Marco Rubio, U.S. Secretary of State, et al.

TOPICS

consular processing

visa petitions

mandamus immigration

motions to dismiss

administrative procedure act

PRACTICE AREAS

immigration

administrative law

civil procedure

remedies

foreign affairs

QUESTIONS PRESENTED

1. Whether the doctrine of consular nonreviewability barred plaintiffs' claims based on the State Department's refusal of their visa applications under INA § 221(g).
2. Whether the APA and applicable State Department regulations impose a clear, nondiscretionary duty to adjudicate visa applications placed in administrative processing.
3. Whether the approximately eleven-month delay in processing plaintiffs' visa applications was unreasonable under the six TRAC factors and therefore supported relief under the APA or Mandamus Act.

HOLDINGS

1. The doctrine of consular nonreviewability did not bar plaintiffs' claims because the § 221(g) refusal followed by administrative processing was not a final visa decision.
2. Plaintiffs identified a clear, nondiscretionary duty requiring consular officers to adjudicate their visa applications within a reasonable time.
3. Plaintiffs failed to plausibly allege that the delay in processing their visa applications was unreasonable under the TRAC factors.

KEY QUOTATIONS

“The doctrine of consular nonreviewability establishes that a consular officer’s final decision to approve or deny a visa application is not subject to judicial review.” (5)

“(1) the time agencies take to make decisions must be governed by a rule of reason; (2) where Congress has provided a timetable or other indication of the speed with which it expects the agency to proceed in the enabling statute, that statutory scheme may supply content for this rule of reason; (3) delays that might be reasonable in the sphere of economic regulation are less tolerable when human health and welfare are at stake; (4) the court should consider the effect of expediting delayed action on agency activities of a higher or competing priority; (5) the court should also take into account the nature and extent of the interests prejudiced by delay; and (6) the court need not find any impropriety lurking behind agency lassitude in order to hold that agency action is unreasonably delayed.” (7)

“Taken together, the TRAC factors weigh in favor of Defendants and Plaintiffs have “not plausibly allege[d] an unreasonable delay.”” (10)

FACTUAL BACKGROUND

Plaintiff Alexey Saraev, a Russian citizen and software engineer, sought an EB-1A immigrant visa, with his spouse Saraeva as a derivative applicant. After an interview on July 30, 2024, a consular officer refused the applications under INA § 221(g) for further administrative processing and requested additional documentation, which plaintiffs submitted in August 2024. The applications remained listed as refused while administrative processing continued, and plaintiffs alleged resulting professional, financial, and emotional harm.

PROCEDURAL HISTORY

Plaintiffs filed suit on June 2, 2025, alleging that the failure to issue final decisions on their EB-1A visa applications constituted an unlawful and unreasonable delay. With the parties' consent, the assigned district judge referred the case to Magistrate Judge Faruqui for all proceedings. The court granted defendants' motion to dismiss, concluding that plaintiffs had not plausibly alleged an unreasonable delay.

DISPOSITION

dismissed

CASES CITED

- Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992)
- American National Insurance Co. v. FDIC, 642 F.3d 1137, 1139 (D.C. Cir. 2011)
- Thomas v. Principi, 394 F.3d 970, 972 (D.C. Cir. 2005)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Sparrow v. United Air Lines, Inc., 216 F.3d 1111, 1113 (D.C. Cir. 2000)
- Schuler v. United States, 617 F.2d 605, 608 (D.C. Cir. 1979)
- Kowal v. MCI Communications Corp., 16 F.3d 1271, 1276 (D.C. Cir. 1994)
- Department of State v. Muñoz, 602 U.S. 899, 906 (2024)
- Karimova v. Abate, No. 23-5178, 2024 WL 3517852 (D.C. Cir. July 24, 2024)
- Haeri Mehneh v. Blinken, No. 24-cv-1374, 2024 WL 5116521, at *5-*6 (D.D.C. Dec. 16, 2024)
- Da Costa v. Immigrant Investor Program Office, 80 F.4th 330, 340, 343-345 (D.C. Cir. 2023)
- Norton v. Southern Utah Wilderness Alliance, 542 U.S. 55, 64 (2004)
- Rashidian v. Garland, No. 23-cv-1187, 2024 WL 1076810, at *5 (D.D.C. Mar. 8, 2024)
- Khazaei v. Blinken, No. 23-cv-1419, 2023 WL 6065095, at *6 (D.D.C. Sept. 18, 2023)
- Vulupala v. Barr, 438 F. Supp. 3d 93, 100 (D.D.C. 2020)
- Mashpee Wampanoag Tribal Council, Inc. v. Norton, 336 F.3d 1094, 1099 (D.C. Cir. 2003)
- Ghannad-Rezaie v. Laitinen, No. 24-cv-11665, 2024 WL 4849587, at *3 (D. Mass. Nov. 21, 2024)
- Ahmadi v. Scharpf, No. 23-cv-953, 2024 WL 551542, at *4 (D.D.C. Feb. 12, 2024)
- Skalka v. Kelly, 246 F. Supp. 3d 147, 152 (D.D.C. 2017)
- In re Core Communications, Inc., 531 F.3d 849, 855 (D.C. Cir. 2008)
- Telecommunications Research & Action Center v. FCC, 750 F.2d 70, 79-80 (D.C. Cir. 1984)

- Milligan v. Pompeo, 502 F. Supp. 3d 302, 317, 319 (D.D.C. 2020)
- Sawahreh v. U.S. Department of State, 630 F. Supp. 3d 155, 161-164 (D.D.C. 2022)
- Center for Science in the Public Interest v. U.S. Food & Drug Administration, 74 F. Supp. 3d 295, 300 (D.D.C. 2014)
- Didban v. Pompeo, 435 F. Supp. 3d 168, 176 (D.D.C. 2020)
- Sarlak v. Pompeo, No. 20-cv-35, 2020 WL 3082018, at *6 (D.D.C. June 10, 2020)
- Ghadami v. United States Department of Homeland Security, No. 19-cv-397, 2020 WL 1308376, at *8-*9 (D.D.C. Mar. 19, 2020)
- Mohammad v. Blinken, 548 F. Supp. 3d 159, 168-169 (D.D.C. 2021)
- Murway v. Blinken, No. 21-cv-1618, 2022 WL 493082, at *4 (D.D.C. Feb. 16, 2022)
- In re Barr Laboratories, Inc., 930 F.2d 72, 76 (D.C. Cir. 1991)
- Tate v. Pompeo, 513 F. Supp. 3d 132, 150 (D.D.C. 2021)
- Arabzada v. Donis, 725 F. Supp. 3d 1, 17 (D.D.C. 2024)
- Hajizadeh v. Blinken, No. CV 23-1766, 2024 WL 3638336, at *6 (D.D.C. Aug. 2, 2024)
- Fakhimi v. Department of State, No. 23-cv-1127, 2023 WL 6976073, at *11 (D.D.C. Oct. 23, 2023)
- Azeez v. Murphy, No. 23-cv-1947, 2024 WL 3924565, at *6 (D.D.C. Aug. 23, 2024)