

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Majlesi v. Rubio

Civil Action No. 25-614 (LLA) (D.D.C. Mar. 9, 2026) · No. Civil Action No. 25-614 (LLA) · Decided March 9, 2026

SUMMARY

The United States District Court for the District of Columbia considers claims by Iranian nationals seeking to compel adjudication of immigrant visa applications allegedly delayed during Section 221(g) administrative processing. The court rejects dismissal based on consular nonreviewability and concludes that plaintiffs sufficiently alleged a nondiscretionary duty to adjudicate their applications. Applying the TRAC factors, however, the court holds that plaintiffs have not plausibly alleged unreasonable delay and grants defendants’ Rule 12(b)(6) motion to dismiss.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Loren L. AliKhan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	March 9, 2026
DOCKET	Civil Action No. 25-614 (LLA)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs brought claims under the Administrative Procedure Act and the Mandamus Act seeking to compel adjudication of their immigrant visa applications. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The court granted dismissal under Rule 12(b)(6).
STANDARD OF REVIEW	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. For unreasonable-delay claims, the court applies the six TRAC factors. On a Rule 12(b)(1) motion, plaintiffs bear the burden of establishing subject-matter jurisdiction by a preponderance of the evidence, and the court may consider materials outside the pleadings.
PRECEDENTIAL VALUE	Published district court memorandum opinion

PARTIES

Shamseddin Eslami, Bibikhadijeh Gorgani, Elham Eslami, Elmira Eslami, Parisa Eslami v. Marco A. Rubio, in his official capacity as Secretary of State, Director of the Office of Screening, Analysis, and Coordination at the U.S. Department of State

TOPICS

consular processing

visa petitions

mandamus immigration

administrative procedure act

motions to dismiss

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the doctrine of consular nonreviewability barred judicial review of plaintiffs' claims seeking adjudication of visa applications placed in administrative processing under INA § 221(g).
2. Whether the APA, federal regulations, or other cited legal authorities imposed a nondiscretionary duty to fully adjudicate plaintiffs' visa applications.
3. Whether plaintiffs plausibly alleged unreasonable delay under the six TRAC factors.
4. Whether dismissal was appropriate under Federal Rule of Civil Procedure 12(b)(6).

HOLDINGS

1. The doctrine of consular nonreviewability did not bar plaintiffs' claims because the complaint plausibly alleged that the § 221(g) refusals were interim actions and that plaintiffs sought to compel adjudication rather than overturn a final visa decision.
2. At the pleading stage, plaintiffs sufficiently alleged a nondiscretionary duty to fully adjudicate their visa applications.
3. Plaintiffs failed to plausibly allege that the delay in adjudicating their visa applications was unreasonable under the TRAC factors.
4. The complaint was dismissed for failure to state a plausible claim for unreasonable delay.

KEY QUOTATIONS

“(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.” (at 12-13)

FACTUAL BACKGROUND

Plaintiffs, Iranian nationals residing in Iran, were beneficiaries of a family-based Form I-130 petition approved by USCIS in January 2010. They submitted DS-260 immigrant visa applications and fees in October 2019 and attended a consular interview at the U.S. Embassy in Ankara in January 2023. The applications were temporarily refused under INA § 221(g) pending missing documentation or administrative processing, and remained listed as refused for administrative processing when plaintiffs filed suit in March 2025. Plaintiffs alleged financial, professional, emotional, and family-separation harms from the delay.

PROCEDURAL HISTORY

Plaintiffs filed a petition for a writ of mandamus and a complaint for declaratory and injunctive relief in March 2025. Defendants moved to dismiss, arguing that consular nonreviewability barred the claims, that plaintiffs could not identify a discrete agency action or nondiscretionary duty, and that the alleged delay was not unreasonable under the TRAC factors. The court rejected the consular-nonreviewability and nondiscretionary-duty arguments at the pleading stage but dismissed because the complaint did not plausibly allege unreasonable delay.

DISPOSITION

dismissed

CASES CITED

- *Wright v. Eugene & Agnes E. Meyer Foundation*, 68 F.4th 612, 619 (D.C. Cir. 2023)
- *Arab v. Blinken*, 600 F. Supp. 3d 59, 63 n.1, 70-71 (D.D.C. 2022)
- *Giliana v. Blinken*, 596 F. Supp. 3d 13, 18 (D.D.C. 2022)
- *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 377 (1994)
- *Green v. Stuyvesant*, 505 F. Supp. 2d 176, 177-78 (D.D.C. 2007)
- *Morrow v. United States*, 723 F. Supp. 2d 71, 76 (D.D.C. 2010)
- *Jerome Stevens Pharmaceuticals, Inc. v. Food & Drug Administration*, 402 F.3d 1249, 1253 (D.C. Cir. 2005)
- *American National Insurance Co. v. Federal Deposit Insurance Corp.*, 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, 555, 570 (2007)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam)
- *Atherton v. District of Columbia Office of Mayor*, 567 F.3d 672, 681 (D.C. Cir. 2009)
- *North American Butterfly Association v. Wolf*, 977 F.3d 1244, 1249 (D.C. Cir. 2020)
- *Hurd v. District of Columbia*, 864 F.3d 671, 678 (D.C. Cir. 2017)
- *Baan Rao Thai Restaurant v. Pompeo*, 985 F.3d 1020, 1024 (D.C. Cir. 2021)
- *Department of State v. Muñoz*, 602 U.S. 899, 908 n.4 (2024)
- *Al-Gharawy v. U.S. Department of Homeland Security*, 617 F. Supp. 3d 1, 11, 16 (D.D.C. 2022)

- Karimova v. Abate, No. 23-5178, 2024 WL 3517852, at *1-3, *6 (D.C. Cir. July 24, 2024)
- In re Grant, 635 F.3d 1227, 1232 (D.C. Cir. 2011)
- Edelman v. Jordan, 415 U.S. 651, 671 (1974)
- Aramnahad v. Rubio, No. 24-CV-1817, 2025 WL 973483, at *7-8, *10 (D.D.C. Mar. 31, 2025)
- Vulupala v. Barr, 438 F. Supp. 3d 93, 98, 100 (D.D.C. 2020)
- American Hospital Association v. Burwell, 812 F.3d 183, 189 (D.C. Cir. 2016)
- Mashpee Wampanoag Tribal Council, Inc. v. Norton, 336 F.3d 1094, 1099-1100, 1102 (D.C. Cir. 2003)
- Vietnam Veterans of America v. Shinseki, 599 F.3d 654, 659 n.6 (D.C. Cir. 2010)
- In re Core Communications, Inc., 531 F.3d 849, 855 (D.C. Cir. 2008)
- Air Line Pilots Association, International v. Civil Aeronautics Board, 750 F.2d 81, 86 (D.C. Cir. 1984)
- Milligan v. Pompeo, 502 F. Supp. 3d 302, 317, 319 (D.D.C. 2020)
- Rashidian v. Garland, No. 23-CV-1187, 2024 WL 1076810, at *5-6 (D.D.C. Mar. 8, 2024)
- Fetanat v. Rubio, No. 24-CV-2298, 2025 WL 2643487, at *3-4 (D.D.C. Sept. 15, 2025)
- Nikjooy v. Rubio, 804 F. Supp. 3d 76, 85 (D.D.C. 2025)
- In re Barr Laboratories, Inc., 930 F.2d 72, 75 (D.C. Cir. 1991)
- Asadi v. U.S. Department of State, No. 23-CV-1953, 2024 WL 3835409, at *6 n.2 (D.D.C. Aug. 15, 2024)
- Varghese v. Blinken, No. 21-CV-2597, 2022 WL 3016741, at *5 (D.D.C. July 29, 2022)
- Augustin v. Blinken, No. 23-CV-76, 2023 WL 4547993, at *6 (D.D.C. July 14, 2023)
- Milligan v. Blinken, No. 20-CV-2631, 2021 WL 3931880, at *9 (D.D.C. Sept. 2, 2021)
- Liu v. Blinken, 544 F. Supp. 3d 1, 13 (D.D.C. 2021)
- Skalka v. Kelly, 246 F. Supp. 3d 147, 154 (D.D.C. 2017)
- Ahmadi v. Scharpf, No. 23-CV-953, 2024 WL 551542, at *6-7 (D.D.C. Feb. 12, 2024)
- Sawahreh v. U.S. Department of State, 630 F. Supp. 3d 155, 164 (D.D.C. 2022)
- Ramirez v. Blinken, 594 F. Supp. 3d 76, 95 (D.D.C. 2022)
- Fakhimi v. Department of State, No. 23-CV-1127, 2023 WL 6976073, at *11 (D.D.C. Oct. 23, 2023)
- Meyou v. U.S. Department of State, No. 21-CV-2806, 2022 WL 1556344, at *5 (D.D.C. May 17, 2022)