

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

Canan Aydin v. Deputy Director Aster Zeleke, et al.

Civil Action No. 24-6253-KSM · No. No. 24-6253-KSM; 2:24-cv-06253 · Decided December 5, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania considers Canan Aydin’s action seeking to compel USCIS to adjudicate her pending affirmative asylum application. The court grants USCIS’s motion to dismiss, holding that the Immigration and Nationality Act does not provide an enforceable right to adjudication within the statutory timeframes and that the Administrative Procedure Act provides an adequate alternative remedy to mandamus. The opinion also analyzes whether USCIS’s nearly five-year delay constitutes unreasonable agency delay under the Third Circuit’s *Oil* factors.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Karen S. Marston
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	December 5, 2025
DOCKET	No. 24-6253-KSM; 2:24-cv-06253
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought claims under the Mandamus Act and the Administrative Procedure Act seeking to compel USCIS to adjudicate her pending asylum application. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a facial Rule 12(b)(1) challenge, the court considered the complaint and documents referenced therein in the light most favorable to the nonmoving party. Under Rule 12(b)(6), the complaint had to contain sufficient factual matter, accepted as true, to state a plausible claim for relief. For the APA claim, the court applied the four-factor test used in the Third Circuit under <i>Oil, Chem. & Atomic Workers Union v. Occupational Safety & Health Administration</i> .
PRECEDENTIAL VALUE	unpublished district court memorandum; persuasive only

TOPICS

asylum mandamus immigration administrative procedure act judicial review of agency action
motions to dismiss

PRACTICE AREAS

immigration law administrative law civil procedure federal courts remedies

QUESTIONS PRESENTED

1. Whether Aydin had a clear and indisputable right to mandamus relief based on the INA's 45-day and 180-day asylum-processing timeframes.
2. Whether the availability of an APA action to challenge unreasonable delay constituted an adequate alternative remedy precluding mandamus relief.
3. Whether USCIS's nearly five-year delay in adjudicating Aydin's asylum application was unreasonable under the Third Circuit's four-factor Oil test.
4. Whether Aydin's claims should be dismissed without leave to amend.

HOLDINGS

1. The INA's 45-day interview and 180-day adjudication timeframes do not give an asylum applicant a clear and indisputable right to adjudication within those periods because 8 U.S.C. § 1158(d)(7) expressly provides that § 1158(d) creates no privately enforceable substantive or procedural right or benefit.
2. Mandamus was unavailable because Aydin could pursue the same requested relief through an APA claim, making the APA an adequate alternative remedy.
3. Aydin failed to establish that USCIS's delay was unreasonable under the Third Circuit's four-factor Oil test. One factor weighed slightly in favor of unreasonable delay, two weighed against it, and one was neutral.

KEY QUOTATIONS

“Nothing in [§ 1158(d)] shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.”
(Section III.A.1)

“In sum, one factor weighs in favor of a finding of unreasonable delay, two weigh against, and one is neutral.” (Section III.B)

FACTUAL BACKGROUND

Canan Aydin, a Turkish citizen residing in Pennsylvania, entered the United States on a B-2 visitor visa on August 5, 2020. She filed a Form I-589 affirmative asylum application with USCIS on December 28, 2020, but had not received an interview or adjudication nearly five years later. Aydin alleged that the delay violated the

INA and the APA and sought an order compelling USCIS to adjudicate her asylum and withholding-of-removal application.

PROCEDURAL HISTORY

Aydin filed an affirmative asylum application with USCIS on December 28, 2020, and filed this action in November 2024 after receiving no adjudication or interview. The district court granted USCIS's motion to dismiss, dismissing the Mandamus Act claim for lack of subject matter jurisdiction and the APA unreasonable-delay claim for failure to establish unreasonable delay. The dismissal was without leave to amend, although the court stated that a future APA action could be brought if the delay continued.

DISPOSITION

dismissed

CASES CITED

- Fangfang Xu v. Cissna, 434 F. Supp. 3d 43, 51, 53–56 (S.D.N.Y. 2020)
- Lajin v. Radel, No. 19-cv-52, 2019 WL 3399363, at *4 (S.D. Cal. July 26, 2019)
- Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007)
- Sturgeon v. PharmERICA Corp., 483 F. Supp. 3d 246, 257 (3d Cir. 2020)
- Azam v. Bitter et al., No. 23-cv-4137, 2024 WL 912516, at *9–11 (D.N.J. Mar. 4, 2024)
- Williams v. Litton Loan Servicing, No. 16-cv-5301, 2018 WL 6600097, at *5 (D.N.J. Dec. 17, 2018)
- Gould Elecs. Inc. v. United States, 220 F.3d 169, 176 (3d Cir. 2000)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- In re Burlington Coat Factory Secs. Litig., 114 F.3d 1410, 1426 (3d Cir. 1997)
- Keystone Redevelopment Partners, LLC v. Decker, 631 F.3d 89, 95 (3d Cir. 2011)
- Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 34 (1980)
- Temple Univ. Hosp., Inc. v. Sec’y U.S. Dep’t of Health & Hum. Servs., 2 F.4th 121, 130, 132 (3d Cir. 2021)
- Alexander v. Sandoval, 532 U.S. 275, 286–88 (2001)
- Bakos v. Am. Airlines, Inc., 748 F. App’x 468, 473–74 (3d Cir. 2018)
- Abulsheour v. Mayorkas, No. 24-cv-548, 2024 WL 5170742, at *1–4 (E.D. Pa. Dec. 19, 2024)
- Ahmad v. U.S. Citizenship & Immigr. Servs., No. 23-cv-3332, 2024 WL 3272832, at *3–7 (D.N.J. July 2, 2024)
- Norton v. S. Utah Wilderness All., 542 U.S. 55, 64 (2004)
- Oil, Chem. & Atomic Workers Union v. Occupational Safety & Health Administration, 145 F.3d 120, 123 (3d Cir. 1998)
- Getson v. Blinken, No. 23-cv-4027, 2025 WL 1933704, at *4, *9, *13 n.10, *14 (E.D. Pa. July 14, 2025)
- Alvarez v. Raufer, No. 19-cv-3155, 2020 WL 1233565, at *4 (E.D. Pa. Mar. 12, 2020)
- Jamoussian v. Blinken, No. 21-cv-10980, 2022 WL 538424, at *2 (D.N.J. Feb. 23, 2022)

- Saleh v. Ridge, 367 F. Supp. 2d 508, 513 (S.D.N.Y. 2005)
- Euler Hermes N.A. Ins. Co. v. Twinbrook OPCO, LLC, No. 24-cv-204, 2025 WL 949844, at *2 (W.D. Pa. Mar. 28, 2025)
- Telecommunications Research and Action Center v. FCC, 750 F.2d 70, 80 (D.C. Cir. 1984)
- Assadzadeh v. Mueller, No. 07-cv-2676, 2007 WL 3252771, at *6 (E.D. Pa. Oct. 31, 2007)
- Ali v. U.S. Dep't of State, 676 F. Supp. 3d 460, 468 (E.D.N.C. 2023)
- Saavedra Estrada v. Mayorkas, 703 F. Supp. 3d 560, 571 (E.D. Pa. 2023)
- Sharkey v. Quarantillo, 541 F.3d 75, 92 (2d Cir. 2008)
- Yueliang Zhang v. Wolf, No. 19-cv-5370, 2020 WL 5878255, at *1 (E.D.N.Y. Sept. 30, 2020)

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