

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Kyaw v. Jaddou

Kyaw · No. 24-cv-06326-VC · Decided May 6, 2025

SUMMARY

The United States District Court for the Northern District of California granted the government's motion for summary judgment in an action seeking to compel USCIS to adjudicate an asylum application. The court held that mandamus relief was foreclosed by 8 U.S.C. § 1158(d)(7) and, applying the TRAC factors, concluded that the approximately 3.5-year delay was not unreasonable under the Administrative Procedure Act.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Vince Chhabria
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 6, 2025
DOCKET	24-cv-06326-VC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff sought mandamus and relief under the Administrative Procedure Act to compel adjudication of an asylum application. The government moved for summary judgment, and the court granted the motion.
STANDARD OF REVIEW	Summary judgment is appropriate where there is no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court reviewed the alleged agency delay under the TRAC unreasonable-delay factors.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	HtlIn Aung Kyaw v. Ur Mendoza Jaddou, et al.

TOPICS

- mandamus immigration
- administrative procedure act
- judicial review of agency action
- summary judgment
- asylum

PRACTICE AREAS

immigration

administrative law

mandamus

unreasonable agency delay

civil procedure

QUESTIONS PRESENTED

1. Whether mandamus could compel USCIS to adjudicate Kyaw's asylum application within the time limits specified in 8 U.S.C. § 1158(d)(5)(A).
2. Whether the Administrative Procedure Act authorized relief compelling USCIS to adjudicate Kyaw's application within a reasonable time.
3. Whether USCIS's approximately 3.5-year delay was unreasonable under the TRAC factors.
4. Whether the court should defer or deny summary judgment because Kyaw allegedly lacked an adequate opportunity for discovery.

HOLDINGS

1. Mandamus relief is unavailable because 8 U.S.C. § 1158(d)(7) prevents the asylum-processing provisions from creating a legally enforceable substantive or procedural right against the United States or its agencies or officers.
2. Although § 1158(d)(7) forecloses a right to compel adjudication within the statute's specific deadlines, the APA permits limited judicial review to determine whether agency action has been unlawfully withheld or unreasonably delayed, including whether USCIS must adjudicate the application within a reasonable time.
3. USCIS's approximately 3.5-year delay was not unreasonable under the TRAC factors, so Kyaw was not entitled to an order compelling adjudication of his asylum application.
4. The request to defer or deny the government's summary-judgment motion for additional discovery was denied.

KEY QUOTATIONS

“Mandamus is “an extraordinary remedy” only available if: “(1) the individual’s claim is clear and certain; (2) the official’s duty is nondiscretionary, ministerial, and so plainly prescribed as to be free from doubt, and (3) no other adequate remedy is available.”” (at 1)

“While there is no right of action under Section 1158(d)(7), the APA still provides “limited judicial review for compelling agency action where the agency action is unlawfully withheld or unreasonably delayed.”” (at 2)

“This system reflects a rule of reason that both prioritizes weeding out frivolous filings and managing the backlog.” (at 3)

“Considering the above factors, the government’s delay of 3.5 years is not unreasonable under the APA.” (at 4)

FACTUAL BACKGROUND

Kyaw's asylum application had remained unadjudicated for approximately 3.5 years. USCIS used a two-track system for asylum interviews, combining last-in-first-out processing with first-in-first-out processing for older cases, and also offered expedited review for humanitarian reasons. Kyaw's request for expedited review was denied, but he remained authorized to live and work in the United States through 2029 and offered no evidence that the delay had harmed his physical, emotional, or financial well-being.

PROCEDURAL HISTORY

Kyaw filed an action seeking to compel USCIS to adjudicate his asylum application within the statutory time limits or within a reasonable time. The government moved for summary judgment. The court held that mandamus was unavailable and that a 3.5-year delay was not unreasonable under the APA after applying the TRAC factors.

DISPOSITION

other

CASES CITED

- Kildare v. Saenz, 325 F.3d 1078, 1084 (9th Cir. 2003)
- Su v. Mayorkas, 698 F. Supp. 3d 1168, 1175–76, 1178 (N.D. Cal. 2023)
- Fang Yan v. Director of Los Angeles Asylum Office for the United States Citizenship & Immigration Services, No. 222CV05846, 2023 WL 4053410, at *2 (C.D. Cal. June 16, 2023)
- Vaz v. Neal, 33 F.4th 1131, 1135–36 (9th Cir. 2022)
- Telecommunications Research and Action Center v. FCC, 750 F.2d 70, 80 (D.C. Cir. 1984)
- Kurt v. Mayorkas, No. 24-CV-02792, 2024 WL 5161950, at *4 (N.D. Cal. Dec. 18, 2024)
- Zafarmand v. Pompeo, No. 20-cv-803, 2020 WL 4702322, at *1, 7 (N.D. Cal. Aug. 13, 2020)