

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
VIRGINIA, ALEXANDRIA DIVISION

Ehtesham Ali v. Rena Bitter, et al.

Ali v. Bitter · No. 1:25-cv-150 (PTG/WEF) · Decided March 27, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice Ehtesham Ali’s claims seeking to compel expedited processing of his wife’s immigrant visa application. The court held that the Department of State had fulfilled any clear, nondiscretionary duty by initially refusing the visa under INA § 221(g), leaving no jurisdiction under the Administrative Procedure Act or the Mandamus Act. The court granted defendants’ motion to dismiss or, alternatively, for summary judgment.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                         |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of Virginia, Alexandria Division                                                                                                                                                                                                                                                  |
| JURISDICTION       | United States District Court for the Eastern District of Virginia, Alexandria Division                                                                                                                                                                                                                                                  |
| DECIDED            | March 27, 2026                                                                                                                                                                                                                                                                                                                          |
| DOCKET             | 1:25-cv-150 (PTG/WEF)                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                                                                               |
| PROCEDURAL POSTURE | Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), or alternatively for summary judgment, in an action seeking mandamus and APA relief to compel expedited processing of a spousal immigrant-visa petition.                                                                                      |
| STANDARD OF REVIEW | On a Rule 12(b)(1) jurisdictional challenge, the plaintiff bears the burden of establishing subject-matter jurisdiction by a preponderance of the evidence, and the court may consider evidence outside the pleadings. If the court determines that it lacks subject-matter jurisdiction, it must dismiss the action without prejudice. |
| PRECEDENTIAL VALUE | Unpublished, nonprecedential district-court memorandum order                                                                                                                                                                                                                                                                            |
| PARTIES            | Ehtesham Ali v. Rena Bitter, Julie M. Stufft, Natalie A. Baker                                                                                                                                                                                                                                                                          |

TOPICS

mandamus immigration

visa petitions

administrative procedure act

subject matter jurisdiction

judicial review of agency action

## PRACTICE AREAS

immigration law

administrative law

federal civil procedure

## QUESTIONS PRESENTED

1. Whether the district court had subject-matter jurisdiction under the Administrative Procedure Act or Mandamus Act to compel the Department of State to re-adjudicate or expedite a visa application that had already been refused under INA § 221(g).
2. Whether the initial consular refusal satisfied the government's mandatory, nondiscretionary duty to adjudicate the visa application.

## HOLDINGS

1. The court lacked subject-matter jurisdiction under the APA and Mandamus Act because the plaintiff could not establish a clear, nondiscretionary duty requiring the Department of State to re-adjudicate or act faster on a visa application that had already been refused.
2. The complaint had to be dismissed without prejudice because the court lacked subject-matter jurisdiction.

## KEY QUOTATIONS

*“In other words, “consular officers have no authority to temporarily refuse, suspend, or hold the visa for future action.””*

*“ “[A consular officer’s] course of action is binary: issue or refuse . . . Defendants discharged their nondiscretionary duty to adjudicate [p]laintiff[s] visa application when the consular officer refused it after the interview.” ”*

*“TT possibility of reconsideration of a refusal does not mean that the refusal was not a refusal.\*” ”*

## FACTUAL BACKGROUND

Plaintiff, a lawful permanent resident, filed an I-130 spousal visa petition for his wife in 2018, and USCIS approved and forwarded the petition to the Department of State. After his wife attended an interview at the U.S. Embassy in Islamabad in January 2024, the consular officer refused the visa under INA § 221(g) and requested additional documentation. Plaintiff alleged that, despite submission of the requested materials and numerous inquiries, the government had not provided further updates and sought an order compelling adjudication.

## PROCEDURAL HISTORY

Ali filed a complaint and petition for a writ of mandamus after his wife's immigrant-visa application was refused under INA § 221(g) following her consular interview and the submission of additional documents. Defendants

moved to dismiss or for summary judgment. The district court granted the motion and dismissed the complaint without prejudice for lack of subject-matter jurisdiction.

## DISPOSITION

dismissed

## CASES CITED

- Mowery v. Nat'l Geospatial-Intel. Agency, 42 F.4th 428, 433 (4th Cir. 2022)
- Velasco v. Gov't of Indonesia, 370 F.3d 392, 398 (4th Cir. 2004)
- Evans v. B.F. Perkins Co., 166 F.3d 642, 647 (4th Cir. 1999)
- Richmond, Fredericksburg & Potomac R.R. Co. v. United States, 945 F.2d 765, 768 (4th Cir. 1991)
- Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 552 (2005)
- Williams v. United States, 50 F.3d 299, 304 (4th Cir. 1995)
- United States ex rel. Vuyyuru v. Jadhav, 555 F.3d 337, 347 (4th Cir. 2009)
- Adams v. Bain, 697 F.2d 1213, 1219 (4th Cir. 1982)
- Lovern v. Edwards, 190 F.3d 648, 654 (4th Cir. 1999)
- Womack v. Owens, 736 F. App'x 356, 357 (4th Cir. 2018)
- S. Walk at Broadlands Homeowner's Ass'n v. OpenBand at Broadlands, LLC, 713 F.3d 175, 185 (4th Cir. 2013)
- Gonzalez v. Cuccinelli, 985 F.3d 357, 365-66 (4th Cir. 2021)
- Raihanoune v. U.S. Citizenship & Immigr. Servs., 2025 WL 510235, at \*4-\*5 (E.D. Va. Feb. 13, 2025)
- Hyatt v. U.S. Pat. & Trademark Off., 146 F. Supp. 3d 771, 781 n.25 (E.D. Va. 2015)
- Ramizi v. Blinken, 745 F. Supp. 3d 244, 260-61 (E.D.N.C. 2024)
- Berenjian v. Blinken, 2024 WL 3732451, at \*3-\*4 (E.D. Va. Aug. 8, 2024)
- Ameen v. U.S. Dep't of State, 2024 WL 3416264, at \*3 (E.D. Va. July 15, 2024)