

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Xia v. Bondi

137 F.4th 85 · No. 24-2304 · Decided May 19, 2025

SUMMARY

This Second Circuit opinion addresses whether a denial of an application for adjustment of status by USCIS constitutes a unreviewable "judgment" under 8 U.S.C. § 1252(a)(2)(B)(i). The court held that the statutory jurisdictional bar applies to USCIS denials outside of removal proceedings, following Supreme Court precedent in *Patel v. Garland*. Consequently, the appellate court affirmed the district court's dismissal of the plaintiff's complaint for lack of subject matter jurisdiction.

CASE DETAILS

COURT	United States Court of Appeals for the Second Circuit
WRITING FOR THE COURT	Judge Parker; Judge Bianco; Judge Nardini
JURISDICTION	United States Court of Appeals for the Second Circuit
DECIDED	May 19, 2025
DOCKET	24-2304
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Eastern District of New York
STANDARD OF REVIEW	De novo for legal conclusions; clear error for factual findings
PRECEDENTIAL VALUE	published
PARTIES	Suqin Xia v. Pamela Bondi, United States Attorney General, Kristi Noem, Secretary, Department of Homeland Security, Kika Scott, Acting Director, U.S. Citizenship and Immigration Services, Connie Nolan, Associate Director for Service Center Operations, U.S. Citizenship and Immigration Services, Barbara Owlett, Field Office Director, U.S. Citizenship and Immigration Services Long Island

TOPICS

- adjustment of status
- administrative procedure act
- judicial review of agency action
- statutory interpretation
- immigration

PRACTICE AREAS

immigration

administrative law

QUESTIONS PRESENTED

1. Whether a USCIS denial of an adjustment-of-status application under 8 U.S.C. §1255 is a “judgment” within the meaning of 8 U.S.C. §1252(a)(2)(B)(i) that precludes judicial review.

HOLDINGS

1. A denial of an application for adjustment of status under §1255 is a “judgment” for purposes of §1252(a)(2)(B)(i) regardless of whether it is issued by an immigration court or USCIS.

KEY QUOTATIONS

“We agree with the district court that §1252(a)(2)(B)(i) precludes judicial review of Xia’s claims.” (at 85)

“A denial of an application for adjustment of status under §1255 is a “judgment” for purposes of §1252(a)(2)(B)(i) regardless of whether it is issued by an immigration court or USCIS.” (at 85)

FACTUAL BACKGROUND

Suqin Xia entered the United States without authorization in 1993, was placed in removal proceedings, remained unlawfully for over three decades, and filed an adjustment-of-status application in 2021 as the immediate relative of a U.S. citizen. USCIS denied the application on discretionary grounds in March 2024.

PROCEDURAL HISTORY

The district court dismissed Xia’s mandamus and APA claims for lack of subject-matter jurisdiction, holding that 8 U.S.C. §1252(a)(2)(B)(i) bars judicial review of a USCIS denial of an adjustment-of-status application because such a denial constitutes a “judgment.”

DISPOSITION

affirmed

CASES CITED

- *Patel v. Garland*, 596 U.S. 328 (2022)
- *Momin v. Jaddou*, 113 F.4th 552 (5th Cir. 2024)
- *Viana Guedes v. Mayorkas*, 123 F.4th 68 (1st Cir. 2024)
- *Nakka v. U.S. Citizenship & Immigr. Servs.*, 111 F.4th 995 (9th Cir. 2024)
- *Hatchet v. Andrade*, 106 F.4th 574 (6th Cir. 2024)
- *Abuzeid v. Mayorkas*, 62 F.4th 578 (D.C. Cir. 2023)
- *Britkovyy v. Mayorkas*, 60 F.4th 1024 (7th Cir. 2023)
- *Lee v. U.S. Citizenship & Immigr. Servs.*, 592 F.3d 612 (4th Cir. 2010)

- Wallace v. Gonzales, 463 F.3d 135 (2d Cir. 2006)
- Guyadin v. Gonzales, 449 F.3d 465 (2d Cir. 2006)

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