

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Hussain v. Baker

Hussain v. Baker · No. Civil Action No. 25-3075 (SLS) · Decided June 24, 2026

SUMMARY

The United States District Court for the District of Columbia grants defendants’ motion to dismiss a suit seeking to compel adjudication of an EB-2 visa application that had remained in administrative processing. Applying the TRAC factors, the court concludes that the alleged delay of just over one year was not plausibly unreasonable, while recognizing that the plaintiff’s professional, financial, and emotional harms slightly favored her. The court also finds that the remaining factors favored or were neutral toward defendants.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Sparkle L. Sooknanan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	June 24, 2026
DOCKET	Civil Action No. 25-3075 (SLS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought an action seeking a writ of mandamus and relief under the Administrative Procedure Act to compel adjudication of an EB-2 visa application. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, and determines whether it states a plausible claim for relief. At the motion-to-dismiss stage, the TRAC factors are used to determine whether the complaint plausibly alleges unreasonable administrative delay, not to finally determine whether the delay was unreasonable.
PRECEDENTIAL VALUE	Published
PARTIES	Tamkin Hussain v. Natalie A. Baker, Chargé d’Affaires, U.S. Embassy in Pakistan, Marco Rubio, Secretary of State, et al.

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QUESTIONS PRESENTED

1. Whether Hussain plausibly alleged that the Department of State unreasonably delayed adjudicating her EB-2 visa application under the Administrative Procedure Act and the Mandamus Act.
2. Whether the court should dismiss the action at the pleading stage based on application of the TRAC unreasonable-delay factors.
3. Whether the defendants' arguments concerning consular non-reviewability and the existence of a duty to act required resolution before dismissal.

HOLDINGS

1. The standards for reviewing agency inaction, including visa-processing delays, are the same under the APA and the Mandamus Act, so the claims may be analyzed together.
2. The complaint did not plausibly allege unreasonable delay in adjudicating Hussain's visa application.
3. The court did not need to decide whether consular non-reviewability applied or whether defendants had a nondiscretionary duty to act because the claims failed on the unreasonable-delay analysis even assuming Hussain prevailed on those issues.

KEY QUOTATIONS

“The standards for reviewing agency inaction—including visa processing delays—are the same under the APA and Mandamus Act, so the Court will address both claims together.” (at 2)

“Unreasonable delay is measured by six factors,” known as the “TRAC factors.” (at 3)

“courts applying the TRAC factors at the motion-to-dismiss stage apply them ‘not to determine whether there has been an unreasonable delay, but to determine if a plaintiff’s complaint alleged facts sufficient to state a plausible claim for unreasonable administrative delay.’” (at 3)

FACTUAL BACKGROUND

Tamkin Hussain, a Pakistani citizen, submitted the paperwork for an EB-2 visa on June 2, 2021. She interviewed at the U.S. Embassy in Pakistan on August 27, 2024, after which her application was placed in administrative processing and received no further action. Hussain alleged emotional, professional, and financial injuries from the delay, including inability to obtain employment, financial independence, and relief from stress and anxiety.

PROCEDURAL HISTORY

Hussain filed her EB-2 visa application in June 2021 and was interviewed at the U.S. Embassy in Pakistan in 2024. After the application remained in administrative processing, she filed this action in September 2025 alleging unreasonable agency delay. Defendants moved to dismiss, and the court granted the motion, concluding that the complaint did not plausibly allege unreasonable delay under the TRAC factors.

DISPOSITION

dismissed

CASES CITED

- Wright v. Eugene & Agnes E. Meyer Foundation, 68 F.4th 612, 619 (D.C. Cir. 2023)
- Masroor v. Noem, No. 25-cv-256, 2025 WL 2439176, at *1 (D.D.C. Aug. 25, 2025)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Sadiq v. Rubio, No. 25-cv-2448, 2026 WL 913084, at *1-*4 (D.D.C. Apr. 3, 2026)
- Hettinga v. United States, 677 F.3d 471, 476 (D.C. Cir. 2012)
- Trudeau v. Federal Trade Commission, 456 F.3d 178, 193 (D.C. Cir. 2006)
- Department of State v. Muñoz, 602 U.S. 899, 908 n.4 (2024)
- Sereshti v. Gaudiosi, No. 24-cv-1288, 2024 WL 4625802, at *6 (D.D.C. Oct. 30, 2024)
- Doroodchi v. Rubio, No. 24-cv-3170, 2025 WL 1865114, at *2 (D.D.C. July 7, 2025)
- Telecommunications Research and Action Center v. FCC, 750 F.2d 70, 80 (D.C. Cir. 1984)
- Motevali v. Rubio, No. 24-cv-1029, 2025 WL 885116, at *5-*8 (D.D.C. Mar. 21, 2025)
- Thein v. Trump, No. 25-cv-2369, 2025 WL 2418402, at *7-*13 (D.D.C. Aug. 21, 2025)
- Khazaei v. Blinken, No. 23-cv-1419, 2023 WL 6065095, at *6 (D.D.C. Sept. 18, 2023)
- In re Core Communications, Inc., 531 F.3d 849, 855 (D.C. Cir. 2008)
- In re United Mine Workers of America International Union, 190 F.3d 545, 549 (D.C. Cir. 1999)
- Niyomwungere v. Blinken, No. 24-cv-1990, 2024 WL 5075827, at *4-*5 (D.D.C. Dec. 11, 2024)
- Isse v. Whitman, No. 22-cv-3114, 2023 WL 4174357, at *6 n.4, *7 (D.D.C. June 26, 2023)
- Da Costa v. Immigrant Investor Program Office, 80 F.4th 330, 343, 345 (D.C. Cir. 2023)
- Afghan and Iraqi Allies v. Blinken, 103 F.4th 807, 817 (D.C. Cir. 2024)
- Rashidian v. Garland, No. 23-cv-1187, 2024 WL 1076810, at *9 (D.D.C. Mar. 8, 2024)
- Ahmadi v. Scharpf, No. 23-cv-953, 2024 WL 551542, at *6 (D.D.C. Feb. 12, 2024)