

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LINH THI MAI VU, *et al.*,

Plaintiffs,

v.

UR M. JADDOU, in her official capacity as
Director, United States Citizenship and
Immigration Services,

Defendant.

Civil Action No. 23-2332 (CKK)

MEMORANDUM OPINION
(October 26, 2023)

Plaintiffs are foreign nationals who have applied for an “immigrant investor” or “EB-5” visa. Compl., ECF No. 1 ¶ 70. To apply for their visas, they each submitted their respective Form I-526 in September 26, 2016, *Id.* ¶¶ 77, 83, the first and critical step in the administrative process for such a visa, *Da Costa v. Imm. Investor Program Off.*, 643 F. Supp. 1, 6 (D.D.C. Nov. 16, 2022) (JEB). The complaint alleges that, to date, the reviewing agency, the United States Citizenship and Immigration Services (“USCIS”), has taken no action on their applications. *Id.* ¶ 5. The complaint therefore presses one claim, alleging that USCIS’s delay is unlawful, and one relevant request for relief, a court order mandating the review of Plaintiffs’ applications (i.e., their Form I-526 submissions). *See id.* ¶ 93.

Defendant has moved to dismiss Plaintiff’s complaint, demonstrating that USCIS favorably approved each Form I-526 in September 2023. ECF No. 5 at 1-2. In response, Plaintiffs do not appear to contest this factual assertion, instead cryptically notifying the Court that they may file an amended complaint. Currently, however, the Court lacks jurisdiction over

this matter, so “it must dismiss the case.” *Banks v. Harrison*, 864 F. Supp. 2d 142, 146 (D.D.C. 2012).

Article III limits federal jurisdiction to actual cases and controversies. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992). Where an agency takes the administrative action sought, any claim of unreasonable delay is necessarily moot. *Haider v. U.S. Dep’t of Homeland Sec.*, Civ. A. No. 20-3808 (CKK), 2021 WL 5630794, at *3 (D.D.C. Dec. 1, 2021). As USCIS has taken the action Plaintiffs sought to compel in their complaint, this matter is therefore moot. Because the Court lacks jurisdiction, the Court shall dismiss this case without prejudice by separate order.

Dated: October 26, 2023

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge