

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

KIRILL SYCHEV,

Plaintiff,

v.

ANTONY BLINKEN, in his official capacity
as Secretary of State, *et al.*,

Defendants.

Civil Action No. 20-3484 (CKK)

MEMORANDUM OPINION

(January 30, 2023)

This visa action is before the Court on the parties' [33] and [34] supplemental memoranda addressing the applicability of the "consular nonreviewability doctrine" to this case. On March 30, 2022, the Court held in abeyance Defendants' [15] Motion to Dismiss as to all defendants related to the United States Department of State, granting the rest of the Motion. *Sychev v. Jaddou*, Civ. A. No. 20-3484 (CKK), 2022 WL 951378, at *6 (D.D.C.). The Court refers the reader for background on that case, and the Court incorporates that background and analysis herein. At the time, a State Department consular officer had sent Plaintiff's visa application back to the Department of Homeland Security for further processing. *Id.* at *2. Because it appeared that a consular officer had not made a *final* decision, the Court directed the parties to submit supplemental briefing on whether *that* decision was a "consular decision" not subject to judicial review. *Id.* at *4.

Since then, a State Department consular officer *has* made a final decision on Plaintiff's visa application, denying it by finding Plaintiff ineligible pursuant to 8 U.S.C. § 1201(g). Declaration of Rachel Ann Peterson, ECF No. 33-1 ¶ 3. "[A] consular officer's decision to issue or withhold a visa [is shielded] from judicial review, at least until Congress says otherwise."

