

**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

