



## U.S. Supreme Court Holds Personal Jurisdiction Over Companies Owned By Foreign States Does Not Require Traditional Due Process Analysis

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Courts typically require that a foreign defendant has “minimum contacts” with the forum state that would justify the exercise of personal jurisdiction over the defendant.<sup>1</sup> However, the United States Supreme Court recently held that a defendant that is owned by a foreign state need not have minimum contacts with the forum so long as the requirements of the Foreign Sovereign Immunities Act are met.<sup>2</sup>

The Foreign Sovereign Immunities Act (“FSIA”) provides that foreign states and their instrumentalities—such as state-owned air carriers—are immune from suit in United States courts unless there is a statutory exception to immunity that is enumerated in the FSIA.<sup>3</sup> When an exception applies, the FSIA vests federal courts with original jurisdiction (i.e. subject matter jurisdiction) over such claims.<sup>4</sup> Exceptions abrogating immunity include claims based on commercial activities in or with a sufficient nexus to the United States, claims based on torts that lead to personal injury or property damage in the United States, and claims to confirm arbitral awards, among others.<sup>5</sup>

The case of *CC/Devas (Mauritius) Ltd. v. Antrix Corp.* involved a contractual dispute between Devas, a private company, and Antrix, a commercial organization owned by the Republic of India.<sup>6</sup> After receiving an arbitration award against Antrix, Devas sought to enforce the award in a Washington federal court.<sup>7</sup> The district court found that the Antrix could be subject to suit under the arbitration exception and entered judgment against Antrix.<sup>8</sup>

The United States Court of Appeals for the Ninth Circuit reversed on the ground that the district court lacked *personal* jurisdiction over Antrix.<sup>9</sup> The personal jurisdiction clause in the FSIA provides that “[p]ersonal jurisdiction over a foreign state shall exist” if (1) there is a statutory exception to immunity; and (2) the defendant was properly served.<sup>10</sup> Nevertheless, the Ninth Circuit held that “personal jurisdiction under the FSIA [also] requires a traditional minimum contacts analysis,” and Antrix lacked sufficient minimum contacts with the forum to justify personal jurisdiction over it.<sup>11</sup>

The Supreme Court reversed, reasoning that the plain language of the FSIA shows that “Congress did not require ‘minimum contacts’ over and above the contacts already required by the Act’s enumerated exceptions to foreign sovereign immunity.”<sup>12</sup> Rather, personal jurisdiction over a defendant who is a foreign sovereign is “automatic” when there is an immunity exception and the defendant has been served.<sup>13</sup> In other words, “subject matter jurisdiction plus service of process equals personal jurisdiction.”<sup>14</sup> Thus, the Ninth Circuit erred when it “read an additional requirement” into the FSIA.<sup>15</sup>

The court also noted that the FSIA’s exceptions to immunity require “varying degrees of suit-related domestic contact before a case may proceed,” which shows that Congress sought to require at least some connection between the foreign state and the United States, albeit not necessarily the same “minimum contacts” considered in a traditional due process analysis.<sup>16</sup>

In holding that a foreign sovereign need not have “minimum contacts” with the forum state under a traditional due process analysis, the Supreme Court harmonized a split among several United States Courts of Appeals, which had been divided on the issue.

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<sup>1</sup> *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 923 (2011) (quoting *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945)).

<sup>2</sup> *CC/Devas (Mauritius) Ltd. v. Antrix Corp.*, 605 U.S. \_\_\_, 2025 WL 1583292 (2025) (“*Antrix*”).

<sup>3</sup> Foreign Sovereign Immunities Act of 1976, 28 U.S.C. §§ 1330, 1602 *et seq.*

<sup>4</sup> *Antrix*, 2025 WL 1583292, at \*4 (citing 28 U.S.C. § 1330(a)).

<sup>5</sup> 28 U.S.C. § 1605(a).

<sup>6</sup> *Antrix*, 2025 WL 1583292, at \*2.

<sup>7</sup> *Id.* at \*3.

<sup>8</sup> *Id.* at \*4.

<sup>9</sup> *Devas Multimedia Private Ltd. v. Antrix Corp. Ltd.*, No. 20-36024, 2023 WL 4884882, at 1 (9th Cir. Aug. 1, 2023) (“*Devas Multimedia*”).

<sup>10</sup> 28 U.S.C. § 1330(b).

<sup>11</sup> *Devas Multimedia*, 2023 WL 4884882, at 1.

<sup>12</sup> *Antrix*, 2025 WL 1583292, at \*5.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* (internal quotations omitted).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

