

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ZAHRA AZIZI

v.

GREG COLLETT

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Civil No. – JFM-14-3196

MEMORANDUM

Plaintiff claims in this action that the United States Citizenship and Immigration Services (“USCIS”) erred in denying her application for naturalization. Defendants have filed a motion to dismiss or for summary judgment. The motion will be granted.¹


Plaintiff was conditionally granted permanent resident status after having entered the United States from Iran on a K-1 nonimmigrant fiancé visa. She was admitted to the United States for a 90-day period to marry her sponsoring then-fiancé Farokh Farhadi. Plaintiff never married Mr. Farhadi. In July 1999, she married Yousef Seyed Shakeri.

Plaintiff sought naturalization based on her marriage to Mr. Shakeri, who filed the petition on her behalf. She could not do so. As 8 U.S.C. § 1255(d) states, and as the Fourth Circuit has held, a person who entered the United States on a K-1 fiancé visa can be given legal permanent status only on the basis of his or her marriage to the K-1 visa sponsor. *Markovski v. Gonzales*, 486 F.3d 108, 110 (4th Cir. 2007).

¹ Because of a temporary imbalance in caseload, I am deciding the motion for Judge George Hazel to whom the case was previously assigned.

Plaintiff has been granted asylum status. That, however, does not provide any additional basis for naturalization. Presumably, however, in light of plaintiff's asylum status, the ruling made in this memorandum will not result in plaintiff's immediate deportation to Iran.

Date: *March 9, 2016*



J. Frederick Motz
United States District Judge

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