

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Hamid Khoshdel Nikkho, et al. v. Marco Rubio, et al.

Khoshdel Nikkho v. Rubio, Civil Action No. 1:25-cv-04172 (TNM) (D.D.C. May 18, 2026) · No. Civil Action No. 1:25-cv-04172 (TNM) · Decided May 18, 2026

SUMMARY

The United States District Court for the District of Columbia dismissed a suit seeking to compel the State Department to complete administrative processing of an immigrant visa application. The court held that the Department had fulfilled its nondiscretionary duty by refusing the application under INA § 221(g), and that consular nonreviewability barred judicial review of the refusal and related administrative processing. The court did not reach whether the delay was unreasonable under the TRAC factors.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Trevor N. McFadden
JURISDICTION	United States District Court for the District of Columbia
DECIDED	May 18, 2026
DOCKET	Civil Action No. 1:25-cv-04172 (TNM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs sued State Department officials seeking mandamus and relief under the Administrative Procedure Act to compel action on an immigrant-visa application placed into administrative processing. Defendants moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), and the court dismissed the case.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and asks whether the complaint contains sufficient factual matter to state a plausible claim for relief. Legal conclusions are not presumed true.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive within the District of Columbia but not binding precedent outside the court.
PARTIES	Hamid Khoshdel Nikkho, Gita Alvari v. Marco Rubio, State Department officials

TOPICS

visa petitions consular processing mandamus immigration motions to dismiss
judicial review of agency action

PRACTICE AREAS

immigration law administrative law civil procedure mandamus foreign affairs

QUESTIONS PRESENTED

1. Whether a section 221(g) visa refusal followed by administrative processing leaves a nondiscretionary duty that may be compelled under the Administrative Procedure Act or through mandamus.
2. Whether consular nonreviewability bars judicial review of a section 221(g) refusal and the Department's continued administrative processing.
3. Whether the Secretary of State was a proper defendant with authority to provide the relief sought.
4. Whether the court needed to decide whether the alleged delay was unreasonable under the TRAC factors.

HOLDINGS

1. The Department's duty to review and adjudicate the visa application was satisfied when the consular officer refused the visa under section 221(g). Neither the Immigration and Nationality Act nor its implementing regulations imposes a duty to complete administrative processing within a particular time or to complete it at all; therefore, plaintiffs could not obtain mandamus or APA relief compelling further processing.
2. Consular nonreviewability bars judicial review of the section 221(g) refusal, the decision to place the application into administrative processing for discretionary reconsideration, and the substance of the consular visa determination.
3. The claims against the Secretary of State were dismissed for lack of standing because the Secretary could not provide the relief plaintiffs sought; the Deputy Assistant Secretary for Visa Services was not dismissed on that basis.

KEY QUOTATIONS

“To state a claim for unreasonable delay under 5 U.S.C. § 706, or to make out an entitlement to mandamus relief, a plaintiff must identify a nondiscretionary duty held by the defendant.” (at 3)

“The law must not only authorize the demanded action but require it; the duty must be clear and indisputable.” (at 4)

“That refusal was “a final decision on the merits of [Alvari’s] application,” and consular nonreviewability prevents the Court from “inquir[ing] into the basis or validity of that decision.”” (at 5)

“Even if such an order does not expressly mandate [the Department] to reach a specific outcome on Plaintiffs’ visas, it still affects the substance of [the Department’s] initial refusals by requiring their

reexamination.” (at 6)

FACTUAL BACKGROUND

Hamid Khoshdel Nikkho, a U.S. citizen, married Gita Alviri, an Iranian citizen, in 2022 and filed a Form I-130 petition on her behalf. USCIS approved the petition, and Alviri was interviewed at the U.S. Embassy in Ankara in May 2025. A consular officer refused her immigrant-visa application under section 221(g) and placed it into administrative processing, which remained pending while the couple stayed separated.

PROCEDURAL HISTORY

After USCIS approved Nikkho's Form I-130 petition for his wife, Gita Alviri, Alviri was interviewed at a U.S. Embassy and her visa application was refused under section 221(g) and placed into administrative processing. Plaintiffs filed suit alleging unreasonable delay and seeking an order requiring the Department to decide the application within thirty days. The district court granted the Department's motion to dismiss, concluding that the Department had no remaining nondiscretionary duty to compel and that consular nonreviewability barred the challenge.

DISPOSITION

dismissed

CASES CITED

- *Yaghoubnezhad v. Stufft*, 734 F. Supp. 3d 87 (D.D.C. 2024)
- *Sedaghatdoust v. Blinken*, 735 F. Supp. 3d 1 (D.D.C. 2024)
- *Karimova v. Abate*, 2024 WL 3517852 (D.C. Cir. July 24, 2024)
- *In re Grant*, 635 F.3d 1227, 1232 (D.C. Cir. 2011)
- *Akter v. Rubio*, 805 F. Supp. 3d 37, 45 (D.D.C. 2025)
- *Liew v. Sanders*, 737 F. Supp. 3d 30, 37 (D.D.C. 2024)
- *Illinois v. Ferriero*, 60 F.4th 704, 715 (D.C. Cir. 2023)
- *Department of State v. Muñoz*, 602 U.S. 899, 907-08 (2024)
- *Telecommunications Research & Action Center v. FCC*, 750 F.2d 70 (D.C. Cir. 1984)
- *Dastagir v. Blinken*, 557 F. Supp. 3d 160, 165, 168 (D.D.C. 2021)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Banneker Ventures, LLC v. Graham*, 798 F.3d 1119, 1129 (D.C. Cir. 2015)