



U.S. Citizenship and Immigration Services

Rosario Class Action

If you are applying for your initial (first) employment authorization based on having a pending asylum application, you may be a member of the class action case, *Rosario v. USCIS*, Case No. C15-0813JLR (W.D. Wash. July 26, 2018). You may be a *Rosario* class member if:

- You filed your Form I-765, Application for Employment Authorization (“Form I-765”), after your Form I-589, Application for Asylum and for Withholding of Removal (“Form I-589”) has been pending for [at least 150 days \(PDF, 149 KB\)](#) (the 150-day period does not include any delays requested or caused by you while your Form I-589 is pending with USCIS or with the Executive Office for Immigration Review); and
- USCIS does not adjudicate your Form I-765 within 30 days (Generally, this is calculated as 30 days from the date USCIS received your Form I-765. However, in certain circumstances, the 30-day processing time may be paused.)

Who is a *Rosario* class member?

You are a *Rosario* class member if:

- (1) You have filed your initial application for employment authorization based on a pending asylum application under 8 C.F.R. §§ 208.7(a)(1) and 274a.12(c)(8); and
- (2) USCIS has not adjudicated your application within the 30-day “accrual period” as defined in the regulations at 8 C.F.R. §§ 103.2(b)(10)(i), 208.7(a)(2), (a)(4).

The “30-day accrual period” refers to the time during which your Form I-765 is pending. Certain actions may pause this accrual period:

- If USCIS sends you a Request for Initial Evidence (“RFE”) for your Form I-765, the accrual period starts over once USCIS receives your response. This means that even if your form was pending for 15 days when USCIS sent you the RFE, USCIS will restart your accrual period at day 1 once USCIS receives your response.
- If USCIS sends you a Request for Additional Evidence (“RFE”) for your Form I-765, this pauses the accrual period until USCIS receives your response. This means if your form was pending for 15 days when USCIS sent you the RFE, USCIS will restart the accrual period at day 15 once USCIS receives your response.

Additionally, if you do not go to a scheduled interview with an asylum officer or a hearing before an [immigration judge](#), USCIS will not grant your employment authorization unless you demonstrate that your failure to appear was the result of exceptional circumstances.

What To Do If USCIS Has Not Adjudicated Your Form I-765

If you have not received a response on your Form I-765 after it has been pending for 25 days under the applicable regulations, you should check your [case status](#) and determine if a decision has already been made on your case, or whether some other action has paused the accrual period. If not, you may contact USCIS by calling the USCIS Contact Center at 1-800-375-5283. You will need to provide:

- Your Form I-765 receipt number

AILA Doc. No. 18121038. (Posted 12/10/18)

- Your A-Number
- The received date on your Form I-765 receipt notice (Form I-797, Notice of Action)

When you call the USCIS Contact Center, make sure to write down the date you call and any service request number that the USCIS Contact Center creates for you. If you do not receive a response to your Form I-765 within 8 business days of calling and having a service request created by the USCIS Contact Center, you should check your [case status](#). If no action has been taken on your case, you may contact the Texas Service Center (TSC) Class Action email box at tsc.classaction@uscis.dhs.gov for further assistance. When you email, you must:

- Write “Rosario Class Action” in the subject line of your email and add asylumEAD@nwirp.org in the CC line to copy class counsel, and
- Include:
 - Your name
 - Service request number
 - The date the USCIS Contact Center created a service request
 - I-765 receipt number
 - The received date on your Form I-765 receipt notice (Form I-797, Notice of Action)

Please do not include any personal information other than what USCIS is requesting above. Emails may not necessarily be secure. Therefore, we suggest that you do not email sensitive personally identifiable information, such as your Social Security number or A-Number, to us.

Please note that you cannot contact the TSC Class Action email box unless you previously called the USCIS Contact Center. They will create a service request because your initial c(8) case has been pending for 25 days under applicable regulations. Additionally, USCIS will not use this email address to address any communication not related to the *Rosario v. USCIS* or that does not include all necessary information.

Last Reviewed/Updated: 12/07/2018