

## USCIS Response to Coronavirus (COVID-19)



**U.S. Citizenship  
and Immigration  
Services**

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## Rosario Class Action

On June 22, 2020, USCIS issued a final rule that eliminated the provision that initial (first) employment authorization applications based on a pending asylum application should be adjudicated within 30 days. This rule went into effect on Aug. 21, 2020. In most cases, USCIS is no longer required to adjudicate initial employment authorization applications based on a pending asylum application within 30 days for individuals who applied after Aug. 21, 2020.

However, for certain applications, USCIS may still need to adjudicate initial employment authorization applications within 30 days. This is the case for members of the class action in Rosario v. USCIS, Case No. C15-0813JLR (W.D. Wash. July 26, 2018). You may be a Rosario class member if:

- You are entitled to limited relief under the injunction in CASA de Maryland Inc. et al. v. Chad Wolf et al. You must be a member of either CASA de Maryland (CASA) or the Asylum Seeker Advocacy Project (ASAP); or
- You filed your Form I-765, Application for Employment Authorization, before Aug. 21, 2020, and it has not yet been adjudicated.
- The following circumstances must also apply to you:
  - You filed your Form I-765 after your Form I-589, Application for Asylum and for Withholding of Removal, had been pending for at least 150 days (the 150-day period does not include any delays you caused or requested 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 the 30-day “accrual period.” (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.)

To determine whether the limited injunctive relief in the CASA litigation applies to you, please see Preliminary Injunction Impacting CASA and ASAP Members on our [Form I-765 webpage](#).

The 30-day accrual period refers to the time during which your Form I-765 is pending and is defined at 8 C.F.R. §§ 103.2(b)(10)(i), 208.7(a)(2), (a)(4). Certain actions may pause this accrual period:

- If USCIS sends you a Request for Initial Evidence for your Form I-765, the accrual period starts over once we receive your response. This means that even if your form was pending for 15 days when we requested initial evidence, USCIS will restart your accrual period at day 1 once we receive your response.

**AILA Doc. No. 18121038. (Posted 12/8/21)**

- If USCIS sends you a Request for Additional Evidence for your Form I-765, this pauses the accrual period until we receive your response. This means if your form was pending for 15 days when we requested additional evidence, USCIS will restart the accrual period at day 15 once we receive your response.

Note: 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 You Are a Rosario Class Member and USCIS Has Not Adjudicated Your Form I-765

If you are a Rosario class member and 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 whether we have already made a decision on your case or whether some other action has paused the accrual period.

If we have not yet made a decision on your case after it has been pending for 25 days, you may submit an inquiry to get additional information through the USCIS eRequest Self Service Tool online or by calling the USCIS Contact Center.

### **To submit an inquiry through the USCIS eRequest Self Service Tool:**

Go to the [eRequest](#) website, select the “Case outside normal processing time” function, and complete all applicable fields:

- Form Number: select “I765”
- Form Sub Type: select “I765 – Based on a pending asylum application [(c)(8)] and member of Rosario/CASA/ASAP”
- Receipt Number
- Date Field (MM/DD/YYYY)
- Applicant or Petitioner Information
- Mailing Address
- Last Action Taken on Case
- Your email address (in order to receive a response from USCIS and a confirmation of the request)
- Filed By
- Security Check

Please note that the USCIS eRequest page will create a service request number only if your case has been pending for 25 days under applicable regulations.

### **To submit an inquiry through the USCIS Contact Center:**

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Call the USCIS Contact Center at 800-375-5283. You will need to provide:

- Your Form I-765 receipt number;
- Your A-Number; and
- 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.

**After you submit an inquiry:**

If you do not receive a response to your eRequest submission within 8 business days, or if you do not receive a response to your Form I-765 within 8 business days of calling the USCIS Contact Center to create a service request, you should check your [case status](#).

If we have not taken any action on your case, you may then email the USCIS Texas Service Center (TSC) Class Action address, [tsc.classaction@uscis.dhs.gov](mailto:tsc.classaction@uscis.dhs.gov), for further assistance. When you email, you must:

- Write “Rosario Class Action” in the subject line of your email;
- Add [asylumEAD@nwirp.org](mailto:asylumEAD@nwirp.org) in the CC line to copy class counsel; and
- Include:
  - Your name;
  - Your service request number;
  - The date the USCIS Contact Center created a service request;
  - Your Form I-765 receipt number;
  - The received date on your Form I-765 receipt notice (Form I-797, Notice of Action); and,
  - If applicable, indicate if you are a CASA or ASAP member.

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

Please note that you should not email the USCIS TSC Class Action address unless you previously called the USCIS Contact Center or submitted an online request through the [USCIS eRequest: Outside Normal Processing Time](#) webpage. Additionally, we will not use the USCIS TSC Class Action email address to address any communication that is not related to Rosario v. USCIS or that does not include all necessary information.

Last Reviewed/Updated: 12/07/2021