

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Wilman Gonzalez ROSARIO, *et al.*,

Plaintiffs,

– *versus* –

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*,

Defendants.

Case No. 2:15-cv-00813-JLR

DECLARATION OF CONCHITA CRUZ

I, Conchita Cruz, declare:

1. I am a Co-Executive Director of the Asylum Seeker Advocacy Project (“ASAP”).
2. I make this sworn statement based upon personal knowledge, files and documents of ASAP that I have reviewed (such as case files, reports, and collected case metrics), and information supplied to me by employees of ASAP whom I believe to be reliable (including ASAP’s management, attorneys, and administrative staff). These files, documents, and information are of a type that is generated in the ordinary course of our business and that I would customarily rely upon in conducting ASAP business.
3. ASAP is a membership organization of asylum seekers living within the United States. ASAP provides community and legal support to its members and engages in advocacy to reform the immigration system in accordance with its members’ priorities. ASAP members live in all 50 states and all U.S. territories and come from over 175 countries.

4. ASAP regularly communicates with its members via email, text, and multiple social media platforms.

5. ASAP members often reach out to the organization when they have questions or concerns about their work permit or asylum applications. ASAP members have reported significant delays in processing initial work permit applications since the *AsylumWorks* vacatur.

6. ASAP receives numerous daily reports from members that the delays in processing initial work permit applications are having a major negative impact on them.

7. Since May of 2022, reports of initial work permit application processing delays and the negative consequences these delays have on ASAP members have increased substantially.

8. When an ASAP member reports to ASAP that their initial work permit application is taking longer than 25 days to process, ASAP provides members with instructions on how to use the *Rosario* process to report the delay to USCIS. ASAP has given these instructions to over 200 ASAP members over email since May of 2022. Of the 95 people who confirmed with ASAP that they tried to use the *Rosario* process to address a delay, all of them reported that it did not result in the timely adjudication of their application.

9. Delays in processing initial work permit applications prevent ASAP members from working to support themselves and their families. ASAP members report that without a valid work permit they cannot secure necessities such as housing, food, and medical care. ASAP members report that the absence of work authorization has a significant impact on their ability to care for children, spouses, and other family members. Many ASAP members stated that the serious collateral consequences of not having a work permit make living in the United States extremely difficult. For example, ASAP members are unable to get driver's licenses or access health care coverage unless they have a social security number, which they cannot receive until their work

permit application has been processed. ASAP members also report that work permit processing delays cause significant mental health consequences, including extreme anxiety and depression.

10. Several ASAP members have spoken to staff at ASAP and shared the details of the impact of these delays on them and their families, including the following five examples.

11. Nelson is an ASAP member who fled Jamaica because of persecution based on his sexual orientation. Nelson has HIV and he relies on medication that he receives regularly as part of his state health insurance. In order to receive this medication, Nelson must be able to provide a stable home address. When Nelson's initial work permit application was delayed for over two months, he became at risk of losing his housing and becoming homeless. Without a home address, Nelson would be unable to receive the HIV medication he needs. Nelson also told ASAP that after fleeing to the United States in a state of crisis, the long wait time for processing his work permit application was retraumatizing.

12. Yusuf Ali Sendil is a doctor and an ASAP member from Turkey who fled political persecution. He is a specialist in treating psychosis and schizophrenia but was unable to work as a medical doctor because of his months-long delay in processing his initial work permit. Mr. Sendil had an offer to work as a medical resident at Rutgers University, but he was unable to start the program on time and begin treating his prospective patients because of the delay in processing his work permit. This delay also impacted his hospital, which was already short-staffed, as they struggled to find other qualified medical staff to cover for him. The delay in processing Mr. Sendil's work permit application put his eligibility for the residency at Rutgers University's hospital at risk. The delay also caused him depression and anxiety.

13. T.C. is an ASAP member who fled political persecution in Hong Kong. He now lives in Kansas and hopes to work in the IT (information technology) field, in which he has

significant professional experience. T.C. had interviewed for jobs believing his work permit application would be processed within 30 days. However, because his work permit was delayed, T.C. had to give up multiple job offers. Without a work permit, T.C. was forced to rely on his dwindling savings to survive. He was unable to get a driver's license, which is a necessity in Kansas to work, attend appointments, and shop for food. T.C. told ASAP's staff that he was praying every day that he would not get sick, because without the ability to work he does not have health insurance to cover a trip to the hospital.

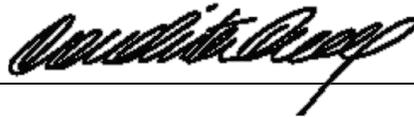
14. B.S. is an ASAP member who fled persecution in Honduras. His initial work permit application was not processed for almost three months. B.S. lives alone in the United States, but he would like to financially support his parents and brother who are still living in Honduras and are facing dangers that could be helped in part through financial support. Because of this, the long delay in USCIS processing his work permit had a devastating impact on him financially and emotionally. He received a job offer to be a warehouse supervisor but was unable to accept the offer initially because his work permit had not been approved. This delay meant that he was not able to send his family money and that he was extremely anxious about covering his own living costs. Moreover, the company was not able to find someone else to immediately take the position.

15. D.B. is an ASAP member from Colombia. D.B. lives in Boston and waited three months for his work permit to be approved. In order to afford food and shelter, he had to exhaust his entire savings and sell his car. D.B. is a commercial pilot and was qualified for many job openings in the field of aviation during the months while he waited for his work permit to be processed. D.B. was unable to take on new employment as a result of the delay in processing his initial work permit application. D.B. shared that the extended wait caused him severe stress and depression.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 24, 2022

Falls Church, Virginia

A handwritten signature in black ink, appearing to read "Conchita Cruz", is written over a horizontal line.

Conchita Cruz