

# Exhibit 5

**From:** [EOIR Director \(EOIR\)](#)  
**To:** [All of EOIR](#)  
**Subject:** Termination of Nationwide Policy  
**Date:** Tuesday, April 29, 2025 4:46:28 PM  
**Attachments:** [image001.png](#)

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Colleagues:

As of April 25, 2025, EOIR's Nationwide Policy to Provide Enhanced Procedural Protections to Unrepresented Detained Aliens with Serious Mental Disorders or Conditions (Nationwide Policy), as announced in the April 22, 2013, memorandum issued by Chief Immigration Judge Brian M. O'Leary, is no longer in effect.

Please note that the obligations set forth in *Franco-Gonzalez v. Holder* (*Franco*) still apply. See *Franco-Gonzalez v. Holder*, CV-02211, Partial Judgment and Permanent Injunction (C.D. Cal. R. Apr. 23, 2013); *Franco-Gonzalez v. Holder*, CV 10-02211, Order Further Implementing This Court's Permanent Injunction (C.D. Cal. R. Oct. 29, 2014). The *Franco* procedures and protections required for class members, such as the provision of Forensic Competency Evaluations and appointment of Qualified Representatives, will continue to be provided to unrepresented, detained aliens in the states of Arizona, California, and Washington when eligibility criteria are met. If you are an Immigration Judge presiding over immigration proceedings outside of these three states and a *Franco* class member appears before you, the obligations of the *Franco* orders still apply to those class members in most circumstances. Please contact EOIR's Office of General Counsel for guidance.

The framework to determine whether an alien is sufficiently competent to proceed *pro se* and whether the application of safeguards is warranted, provided in *Matter of M-A-M-*, 25 I&N Dec. 474 (BIA 2011), also continues to apply.

The Immigration Courts will likely receive motions to withdraw from Qualified Representatives currently handling Nationwide Policy cases. These motions should be adjudicated according to applicable agency rules and regulations. You may contact EOIR's Office of the General Counsel for guidance.

Please contact your supervisor with any questions.

**Sirce E. Owen**  
**Director (Acting)**



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