

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN GATEWAYS, *et al.*,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

No. 25-CV-01370 (AHA)

DECLARATION OF SIRCE E. OWEN

I, Sirce E. Owen, declare as follows:

1. I am the Acting Director of the Executive Office for Immigration Review (“EOIR”) in the U.S. Department of Justice (“DOJ”). EOIR’s mission is to adjudicate immigration cases by fairly, expeditiously, and uniformly interpreting and administering the Nation’s immigration laws. Under delegated authority from the Attorney General, EOIR conducts immigration court proceedings, appellate reviews, and administrative hearings. I was appointed EOIR Acting Director in January 2025. Prior to assuming this position, I served as an Appellate Immigration Judge from 2020 to 2025, Assistant Chief Immigration Judge from 2018 to 2020, and Acting Deputy Director of EOIR from 2019 to 2020.

2. This declaration is based on my personal knowledge and information made available to me in the course of performing my official duties.

3. The purpose of this declaration is to provide information regarding the current legal effect and status of the memorandum, attached as Exhibit 2 to Plaintiffs' preliminary injunction motion, Doc. 8-2 at 7, sent by Chief Immigration Judge Brian O'Leary with subject line "Nationwide Policy to Provide Enhanced Procedural Protections to Unrepresented Detained Aliens with Serious Mental Disorders or Conditions" (the "O'Leary Memo"); as well as Exhibit 6 to that motion, Doc. 8-2 at 94, titled "Phase I of Plan to Provide Enhanced Procedural Protections to Unrepresented Detained Respondents with Mental Disorders" (the "Phase I Document").

4. The policy memorialized by both documents was subsumed into EOIR's Policy Manual, issued on January 13, 2021. As a result, neither document currently has legal force or effect in its own right.

5. Prior to 2021, EOIR and its adjudicatory components, including the Office of the Chief Immigration Judge (OCIJ), the Board of Immigration Appeals (BIA), and the Office of the Chief Administrative Hearing Officer (OCAHO), frequently issued various policies by memoranda or email. Some, but not all, were made publicly available on EOIR's website, but there was no central repository, either internal or external, of all EOIR policies related to adjudications. Further, due

to personnel turnover, EOIR employees sometimes had difficulty finding policies that had been issued several years earlier or determining which policies were currently in effect.

6. In 2021, seeking to comprehensively collect, organize, and publish all then-effective policies related to adjudications in a central, public, and accessible location, EOIR created a Policy Manual that compiled the complete set of then-effective policies. In order to accomplish this goal, the Policy Manual “consolidate[d] EOIR’s existing policy and practice guidance available in multiple places on its website into one document” and provided that “any operational policies related to case adjudications previously issued by OCIJ, the BIA (other than case holds issued pursuant to regulations), or OCAHO that are not contained within the Policy Manual are no longer in effect.” A true and correct copy of this provision of the 2021 Policy Manual is attached to this declaration as Exhibit 1. *See* <https://web.archive.org/web/20210413025835/https://www.justice.gov/eoir/eoir-policy-manual/i/1/1>.

7. When the Policy Manual was issued in 2021 as the complete set of then-effective policies related to adjudications, previous policies issued by other means, including memorandum or email, were superseded. The O’Leary Memo and the Phase I Document were not explicitly incorporated into the Policy Manual, but the Policy Manual included information about the NQRP in Part V, Chapter 1.7 (National Qualified Representative Program). A true and correct copy of this Policy

Manual provision as in effect in 2021 is attached to this declaration as Exhibit 2. *See* <https://web.archive.org/web/20210420094937/https://www.justice.gov/eoir/eoir-policy-manual/v/1/7>.

8. Specifically, the Policy Manual provided: “As part of enhanced procedural protections, EOIR’s National Qualified Representative Program (NQRP) is a program that provides Qualified Representatives to certain unrepresented and detained respondents who are found by an immigration judge or the BIA to be incompetent to represent themselves in immigration proceedings. EOIR carries out the NQRP through the effort of federal staff and a contract. For further information, please visit EOIR’s website.” Ex. 2.

9. In 2022, EOIR broke up and reconfigured the Policy Manual into various sub-parts and eliminated the concept of a comprehensive Policy Manual. These actions did not substantively impact the NQRP. Nor did they reinstate memoranda or other documents that had been superseded by the promulgation of the comprehensive Policy Manual in 2021.

10. On January 27, 2025, I issued a Policy Memorandum reaffirming the importance of the Policy Manual and directing that it reflect EOIR’s current policies and procedures. A true and correct copy of this memorandum is attached to this declaration as Exhibit 3. At the same time, EOIR reinstated the Policy Manual, subject to ongoing updates to reflect any intervening changes in law or policy. The reinstatement of the Policy Manual in January 2025 also did not substantively alter

the portion of the Policy Manual describing the NQRP.

11. Since January 2025, EOIR has been conducting a comprehensive review of the Policy Manual. The Policy Manual that is currently on EOIR's website reflects the currently operative compilation of EOIR's policies and practice guidance. *See* www.justice.gov/eoir/eoir-policy-manual.

12. EOIR's Policy Manual continues to provide, as in 2021, that "any operational policies related to case adjudications previously issued by OCIJ, the BIA (other than case holds issued pursuant to regulations), or OCAHO that are not contained within the Policy Manual are no longer in effect." A true and correct copy of this provision is attached to this declaration as Exhibit 4.

13. Following the de-scoping of the Acacia Contract related to NQRP in April 2025, I emailed all EOIR personnel on April 29, 2025, informing them that the nationwide NQRP policy announced in the O'Leary Memo was no longer in effect, but that EOIR would continue to meet its obligations for *Franco* class members. A true and correct copy of that email is attached to this declaration as Exhibit 5.

14. EOIR continues to review and update the Policy Manual to ensure that it reflects the comprehensive set of EOIR's currently effective policies and procedures. A copy of the current Policy Manual chapter regarding the *Franco* Qualified Representative Program is attached to this declaration as Exhibit 6.

Executed on this 4th day of June 2025.

Sirce E. Owen
Acting Director
Executive Office for Immigration Review