

**FRED UPTON**  
6TH DISTRICT, MICHIGAN

**COMMITTEE ON  
ENERGY AND COMMERCE**  
CHAIRMAN



**Congress of the United States**  
**House of Representatives**

January 15, 2016

The Honorable Jeh Johnson  
Secretary of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, DC 20528

Catherine Pincheck, Esq., Chief Counsel  
U.S. Immigration Customs Enforcement  
Office of the Chief Counsel  
333 Mt. Elliott Street,  
Detroit, MI, 48207

DC OFFICE:

2183 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2206  
(202) 225-3761  
FAX: (202) 225-4986

MICHIGAN HOME OFFICES:

157 SOUTH KALAMAZOO MALL  
SUITE 180  
KALAMAZOO, MI 49007  
(269) 385-0039  
FAX: (269) 385-2888

800 CENTRE, SUITE 106  
800 SHIP STREET  
ST. JOSEPH, MI 49085  
(269) 982-1986  
FAX: (269) 982-0237

<http://upton.house.gov>

Dear Secretary Johnson and Catherine Pincheck,

We write to you in full support of the motion before the Immigration Review Board to reopen the case of Ibrahim Parlak for relief under the Convention Against Torture (CAT) protections afforded by the United States, and we ask that the Department of Homeland Security refrain from opposing this motion.

Ibrahim Parlak has been a model immigrant in Southwest Michigan, which has been his home since 1994. He has embodied the epitome of what all immigrants who come to our nation aspire to achieve: safety, respect, a place to call home, and success of his own making. He opened a local restaurant that is beloved in the community, started a family of his own, and has followed every law set forth in our country for an individual seeking liberty within our borders. Many of us in support of Ibrahim Parlak have only further dedicated our efforts to his cause as we have gotten to know him over the years. While we understand the responsibility you have to enforce the law, we believe that efforts to remove him are based on highly contested evidence. The immigration review board now has an opportunity to undertake a fresh review of the facts and merits of his case and allow for his ability to stay in the United States.

Eleven years have passed since Mr. Parlak's previous request for relief under CAT was considered and denied. The passage of time notwithstanding, the changes in the Middle East, and specifically the evolving conflict between the Turkish government and the Kurdish people warrant a fresh perspective on Mr. Parlak's case, and the certain persecution he would face if he were returned to today.

Mr. Parlak's original request for relief through CAT was denied in 2005 on the basis that Turkey's then treatment of the Kurdish people was improving as the nation pursued reforms to become a member state of the European Union. The Immigration Judge and Immigration Review Board also reasoned there was no indication Turkey wanted Mr. Parlak to be returned. In its 2005 decision, the board indicated that Mr. Parlak could not prove above a threshold of certainty that he would be harmed should he be returned to Turkey as evidenced by the recent improvements in Kurdish relations.

We find ourselves a decade later with a diametrically different circumstance between the Turkish government and the Kurdish community, in which tensions have grown increasingly hostile, and are trending closer to civil war. While we do not see coincidence in the Turkish government's reversing its position to allow the U.S. to return Mr. Parlak, we hope that the Immigration Review Board will take the time to hear evidence and the merits of the Turkish government's treatment of Kurds within their borders as well as answer any concerns regarding the response of the Kurdish community should he be returned to Turkey. Our hope for additional review of Mr. Parlak's CAT claim is further underscored by direct threats recently made in the Turkish press, and to him personally from individuals who are privy to very private details of the modes of torture he was subjected to before escaping to the United States.

DHS is well aware of the complexities of the ongoing fight against ISIS in the region as the United States has both supported and received assistance from Turkish forces as well as Kurdish fighters. This adds a level of complexity to the climate in Turkey which was not present when the board considered the original plea for asylum. In fact, the only allowable cause to reopen a case such as this is a change in country condition, of which Turkey is undeniably experiencing. These developments cannot be separated from Mr. Parlak's case and most certainly deserve consideration to provide context on what awaits him should he be returned. He fears, and we join him in this opinion, that at best he will be exploited by either the PKK or the Turkish government in their ongoing conflict and at worst he faces extreme persecution, torture, and a high likelihood of death.

The Department has thus far provided a period of deferred action through March 22, 2016, in part to ensure the motions that were introduced receive due process and adequate time for adjudication. We hope that the Department ensures this extension is fully adequate for the Immigration Review Board to reach a decision and that the Board enjoys a fair and unbiased opportunity to rule on the merits of Mr. Parlak's case. As you take the proper time to respond to this motion, we ask that you consider the undeniable changes in the region and the threats to Mr. Parlak's life as reason to allow a fresh perspective and fair evaluation of his case.

Our offices remain willing and ready to assist your agency and staff with any questions or concerns you may have on this matter.

Sincerely,



Fred Upton  
Member of Congress MI-06



Jan Schakowsky  
Member of Congress IL-09

CC: Jonathan Goulding, Assist. Chief Counsel ICE Detroit Field Office  
Representative Mike McCaul, Chairman of House Homeland Security Committee  
Representative Bob Goodlatte Chairman House Judiciary Committee