



DESIGNATE THE DEMOCRATIC REPUBLIC OF THE CONGO (DRC) FOR TPS

Executive Summary

The U.S. government should protect Congolese nationals living in the United States by designating the Democratic Republic of the Congo (DRC) for Temporary Protected Status (TPS). Originally established through the Immigration Act of 1990, [TPS](#) provides eligible individuals with temporary—but vitally important—humanitarian relief as well as access to work authorization. Our immigration laws [provide](#) the Secretary of the Department of Homeland Security (DHS) the authority to [designate](#) countries for TPS when one or more of the following conditions are met:

- 1) “[T]here is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;”
- 2) “[T]here exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety;” and
- 3) There exists an “environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,” resulting in the foreign state’s temporary inability to “adequately handle the return to the state” of nationals from the state as well as the foreign state’s request for TPS designation.

The [catastrophic context](#) in the DRC – including devastating and ongoing armed conflicts in the east and west, worsening environmental disasters, alarming levels of sexual and gender based violence, increasing human rights violations, widespread food insecurity, and [nearly 7 million](#) internally displaced persons (IDPs) in what is one of the world’s largest displacement crises – overwhelmingly satisfies the TPS criteria. As [observed](#) by Congresswoman Yvette D. Clarke and Senator Cory Booker in a [2023 letter](#) signed by 52 additional members of Congress, the DRC’s “extreme ongoing violence” and “deteriorating conditions,” coupled with the “posture” of the State Department towards the country, make it “clear that the DRC meets the standards for TPS.” [Immigration advocates, human rights experts and organizations](#), and [faith-based organizations and leaders](#) similarly agree that Congolese people living in the U.S. need TPS protections now. By designating the DRC for TPS, the U.S. government can protect the lives of thousands of Congolese citizens living in the U.S., all of whom would likely face severe safety risks if forcibly returned to the DRC.

This memo offers a concise explanation as to why the U.S. Government should designate the DRC for TPS. Part I provides an overview of the country context, including discussions of the interrelated armed conflicts and humanitarian crises. Part II briefly explains why current conditions easily satisfy the TPS criteria.

I. Country Conditions

A. Ongoing Armed Conflict(s) in the DRC

Ongoing Armed Conflicts in Eastern DRC

Civilians in eastern DRC contend with over one hundred non-state [armed groups](#), non-existent state authority in many areas, and ineffective or abusive security forces. Armed groups, including the Allied Democratic Forces (ADF), the March 23 Movement (M23), CODECO, and Democratic Forces for the Liberation of Rwanda (FDLR), are responsible for horrific violence perpetrated against civilians, including [extrajudicial killings](#), [sexual violence](#), kidnapping, [forced recruitment](#), and [extortion](#). ADF, for example, has perpetrated several [massacres](#) in [February 2024](#) alone, attacking civilians in fields and villages before disappearing into the forest. Civilians are often left unprotected by Congolese armed forces. The UN Office of the High Commissioner for Human Rights (OHCHR) reported that state actors – principally the Congolese military (FARDC) and police (PNC) — were [responsible](#) for 36% of violations documented during the first half of 2023.

North Kivu, Ituri and South Kivu provinces are among the areas most affected by armed conflict. In North Kivu, M23 has [conquered wide swaths of territory](#), often operating alongside troops from [neighboring Rwanda](#), its benefactor. Fighting between M23 and FARDC has had devastating [impacts](#) on [civilians](#), including extrajudicial killings, rape, and forced recruitment as well as mass displacement. [Humanitarians](#) noted in February 2024 that 600 people had been killed in the previous 90 days, while 135,000 individuals had been displaced since January. The latest wave of displacement adds to a catastrophic displacement crisis — over [1.6 million Congolese](#) have fled their homes since the beginning of the M23 crisis,



many of whom live in dire conditions in informal camps for internally displaced people (IDPs), where [access](#) to food, water and basic services are minimal.

In response to the M23's territorial gains, other armed groups across eastern DRC have mobilized. Increased armed group mobilization across eastern DRC triggered by the M23 crisis poses an acute risk to civilians. Given the increasingly [bellicose rhetoric](#) between DRC and Rwanda, the implication of other states across the region, and M23's [increasing territorial gains](#), the conflict shows no signs of resolution.

While the M23 conflict has attracted the most media attention, civilians living in other parts of North Kivu province and neighboring Ituri province also face widespread armed group violence. CODECO, a constellation of armed groups in Ituri, is responsible for frequent, ethnically-motivated massacres, often at IDP sites. Recent attacks include a [massacre](#) at an IDP camp in June 2023, in which 45 civilians were killed, and an [ambush](#) on February 19, 2024, in which 15 civilians were killed after torture. In some instances, CODECO attacks are in response to armed groups claiming to defend other communities, including [Zaire](#), in a devastating [spiral](#) of violence that has been ongoing since 2017. Civilians in North Kivu and Ituri must also contend with ADF, a group linked to ISIS that has long been one of the region's most [violent armed groups](#), killing [thousands of civilians](#) since 2014. Despite joint Ugandan-DRC efforts to destroy the group, ADF remains resilient, and has continued to expand the geographical scope of attacks. Unrelated to the M23 crisis in neighboring North Kivu, more than [1.6 million people](#) are internally displaced in Ituri, largely due to armed group violence perpetrated by CODECO, ADF, and other armed actors .

Civilians in South Kivu and Tanganyika provinces also contend with armed group violence. Notably, the M23 crisis has triggered a [major reactivation](#) of armed groups across South Kivu province, including armed groups with past histories of severe human rights violations.

In this context of horrific armed conflict, children are facing horrifying levels of grave violations including killings, maimings and abductions. According to the 2023 [Children and Armed Conflict - Report of the UN Secretary-General](#) there were at least 3,377 grave violations against 2,420 children in 2022.

Ongoing Armed Conflict in Western DRC

Particularly since 2022, [intercommunal violence](#) has engulfed substantial parts of [western](#) DRC, including areas close to Kinshasa, the capital. Long-simmering tensions related to taxation, land ownership, and political power exploded into violence following the injury of a farmer during tax collection in the province of [Mai Ndombe](#). Members of the farmer's community —the Yaka community, which is not indigenous to the region — mobilized, refusing to pay taxes and soon making claims on the land of members of the Teke community. Over the ensuing months, militias drawn from the Yaka and other non-indigenous communities against Teke villages increased dramatically. [The UN Group of Experts](#) on the DRC observed that since August 2023, one armed group, the Mobondo “controlled a vast territory, including over half of Kwamouth territory...and Bandundu territory in the north, westwards to the periphery of Maluku commune of Kinshasa, and southwards to the vicinity of Kimvula and Popokabaka in Kongo Central.” While the Congolese military has managed to maintain control of key roads in these areas, the Mobondo control much of the rest of the territory.

The consequences of this violence have been severe. At least [160,000 individuals](#) have fled their homes since 2022 due to the violence in Mai Ndombe. According to the UN Refugee Agency (UNHCR), at least [3,000 individuals were killed](#) between July 2022 and June 2023. As of early 2024, the violence shows no indication of slowing down — Mobondo militants are accused of killing [at least ten](#) civilians on January 23 and seven on [February 3](#).

B. Sexual and Gender-Based Violence

For decades, Congolese women and girls — as well as men and boys — have faced extraordinary levels of sexual and gender-based violence (SGBV) as well as conflict-related sexual violence (CRSV). During the first and second Congo Wars between 1996 and 2003, for instance, [ten of thousands](#) of women and girls were raped. Since then, sexual violence remains [widespread](#), including in [armed conflict contexts](#). The UN [reported in 2023](#), for example, that “armed groups operating in eastern Democratic Republic of the Congo abducted and sexually assaulted civilians to drive them from contested areas” and that “sexual violence was often perpetrated during raids on villages in retaliation for perceived collaboration with rival armed



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groups or with State forces.” More than [700 cases](#) of CRSV were documented in 2022, while the DRC had the world’s highest levels of [sexual violence](#) against children much of which is committed by armed groups.

In an already dire context, increased armed conflict and corresponding displacement have led to substantial increases in sexual violence in recent months. In North Kivu province, for instance, fighting between the M23, the Congolese military and other armed groups has provoked an unprecedented displacement crisis, leading more than 1.6 million people to leave their homes since 2022. In overcrowded and underserved displacement camps, women and children face [enormous risks](#) of sexual violence. UNICEF, for instance, [reported](#) 38,000 cases of GBV in 2022 in North Kivu alone. In 2023, the situation worsened — reported incidents of GBV in the first three months of 2023 marked a 37 percent increase compared with the same period last year. The DRC country director of the International Rescue Committee described the [crisis](#) in North Kivu as follows:

“Eastern DRC has become one of the most dangerous places in the world for women and children. They are now facing a protection crisis, at a level not seen before, where gender-based violence is happening all the time. Further exacerbating the protection crisis is the lack of food in the displacement camps; women are forced to go outside to find food so they can feed their children, with many reporting that they have been exploited for sex in exchange for a few potatoes.”

The United Nations Population Fund (UNFPA) similarly [stressed](#) that “sexual violence has soared in Eastern DRC in 2023,” noting that women and girls “have reported that they are at risk of rape and sexual assault, exacerbated by the need to travel outside of camps in search of supplies for their basic needs and for domestic purposes and work. There are also reports of displaced women and girls who are forced to trade sex for survival, including in IDP sites.”

It should additionally be noted that sexual violence is not limited to the areas most affected by armed conflict. In 2022, the US State Department [found](#) that, “Rape and other forms of gender-based violence were widespread throughout the country, even in areas without armed conflict. Survivors seldom reported this for cultural and social reasons, and perpetrators were rarely punished. Rape and sexual mutilation were also common and used as tactics in areas of armed conflict.”

C. Displacement and Humanitarian Crisis

DRC is home to one of the world’s most intractable and complex displacement and humanitarian crises, impacting residents across the country. Nearly [7 million](#) individuals are internally displaced, many of whom have been forced to flee their homes due to recent violence in both western and eastern DRC, while more than [one million](#) Congolese live as refugees in neighboring countries. DRC now represents Africa’s [largest displacement crisis](#). More broadly, more than 23 million Congolese people face acute food insecurity, more than 2.5 million children are [acutely malnourished](#), at least a quarter of the population requires humanitarian assistance, and more than [one million Congolese children](#) cannot go to school due to armed conflict. Epidemics continually devastate communities across the country, including an estimated 50,000 suspected [cases of cholera](#) in 2023. (80 percent of recorded [cholera cases](#) in West and Central Africa in 2023 were in the DRC.) Worsening floods could further exacerbate the cholera epidemic, leading to the [spread](#) of the disease across DRC. Aside from cholera, Congolese contend with widespread [malaria](#), [bubonic plague](#), measles, and yellow fever, while the risk of an Ebola resurgence in [western](#) and [eastern](#) parts of the country is ever present.

The humanitarian needs across the DRC are enormous. But in 2023, [only 40 percent](#) of the DRC humanitarian response plan was funded, significantly hampering response efforts. The country, as observed by the head of the Norwegian Refugee Council, [represents](#) a “mega-crisis that warrants a mega-response,” but funding has not been forthcoming: “Millions of families on the brink of the abyss seem to be forgotten by the outside world and are left shut off from any support lifeline.”

Given the intractable armed conflicts across the country as well as worsening environmental catastrophes, there is no indication that the humanitarian and displacement situation will soon improve. An official declaration of war between DRC and Rwanda, for example, would likely [result](#) in far greater displacement and a worsening humanitarian crisis.

D. Climate Change and Environmental Catastrophe

As [observed](#) by the World Food Programme (WFP), “The climate crisis is multiplying catastrophic weather-related events and is straining food systems which causes hunger to rise in DRC. The increase in the number and severity of these extraordinary



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extreme weather events has led to destructive incidents claiming lives and uprooting people from their homes.” As noted above the DRC is facing one of the worst humanitarian crises in the world with **nearly 7 million** people internally displaced. Recent climatic events in the country have only further pushed people out of their homes. One of the countries in the world most [vulnerable to climate change and least ready to adapt to climate shocks](#), the DRC has faced [worsening environmental crises](#) over the past few years. As of February 2024, [18 of the country’s 26 provinces](#) had been affected by flooding due to “exceptionally heavy rainfall,” leaving more than two million people — more than half of whom are children — in need of humanitarian assistance. Due to the recent flooding — arguably the worst [in six decades](#) — more than 300 people [have died](#), approximately 500,000 people have been [displaced](#), and almost 100,000 households and 1,325 schools have been destroyed or damaged. The [destruction](#) of crops could exacerbate the DRC’s ongoing hunger crisis, while ongoing flooding is linked to the possibility of the spread of cholera throughout the country.

Flooding in the DRC is often followed by mudslides and landslides. In [May 2023](#), for example, [flooding and mudslides](#) in South Kivu province led to the deaths of more than 440 people and widespread [displacement](#). In December 2023, mudslides in a different part of South Kivu resulted in [40 deaths](#). Also in December 2023, [landslides](#) triggered by torrential rainfall in the province of Kasai-Centrale, in southern DRC, killed more than 20 people and swept away over a dozen houses.

But climate hazards are not limited to flooding. USAID has noted, for instance, that potential consequences of climate change in the DRC [include](#) “increas[ed] temperatures, greater frequency and duration of heat waves, more variable and more intense precipitation, and increased dry spell and drought frequency.” All of these changes could exacerbate the DRC’s ongoing food crisis. USAID explained further that “Climate change is likely to bring about adverse consequences across the DRC’s agricultural value chain, affecting the country’s food security.” Irregular precipitation, rising rainfalls, and temperature changes brought about by climate change “have the potential to reduce yield potential, modify production costs, damage crops post-harvest, and reduce labor productivity.”

In eastern DRC, in particular, residents have contended with volcanic eruptions from [the Mount Nyiragongo volcano](#). In 2021, for instance, an unexpected eruption led to the [displacement of over](#) 450,000 individuals. Further eruptions are likely and, given the limited capacity of the government agency tasked with monitoring the volcano, the government’s ability to predict volcanic activity is far from guaranteed.

E. Widespread Human Right Violations

Civilians including children across the DRC face widespread human rights violations. Amnesty International, for instance, [asserted](#) that the country continues to “experience serious human rights violations, including mass killings in the context of armed conflict and inter-communal violence, a crackdown on dissent and ill-treatment of detainees.” The U.S State Department’s 2022 DRC country report on human rights similarly [documented](#) widespread human rights violations, observing as follows: “Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; forced disappearances; torture...arbitrary arrest or detention...serious abuses in conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, torture, physical abuses or punishment, and unlawful recruitment or use of child soldiers by armed groups and the armed forces...”

In an effort to combat armed groups, the Congolese government [declared martial law](#) in North Kivu and Ituri provinces in 2021, placing the two regions under military authority. Though the measure had no clear effect on armed groups, it resulted in a dramatic deterioration of the human rights situation, as military authorities [arbitrarily arrested](#) critics, launched abusive prosecutions, prohibited peaceful demonstrations and, in some instances, [violently](#) beat demonstrators. In January 2022, a member of LUCHA, a citizens’ movement, was shot in the stomach by security forces – he died soon thereafter.

In August 2023, elite Congolese troops [brutally killed](#) more than fifty civilians in the city of Goma. Those killed were members of a religious sect that had previously demonstrated against foreign forces in the country, including MONUSCO (the UN peacekeeping mission), as well as international NGOs. Members had gathered at their church on the morning of August 30. According [to International Crisis Group](#), “Eyewitnesses reported that elite soldiers, equipped as if they were facing armed opponents, shot dead dozens of civilians, injured and arrested many more, and threw the bodies of the dead into the back of military trucks before setting fire to the church.” Though shocking in scope, the killing is indicative of the lack of meaningful



security sector reform, as well as the fact that Congolese security forces often [represent a threat](#) to the very civilians they are [meant to protect](#).

Across the country, prominent journalists have been arrested for their work. Well-known journalist Stanis Bujakera was [arbitrarily arrested](#) on September 8, 2023. Charged with “disseminating fake news” and “spreading rumors,” Bujakera has seen his applications for bail rejected by Congolese authorities. In February 2024, Congolese pro-democracy activists were [similarly arrested](#) and interrogated. [Dozens](#) of other journalists and [artists](#) have similarly [faced](#) intimidation, arrest, and violence from state security forces. At present, reporting or publicly critiquing the Congolese government is dangerous.

In January 2024, DRC President Felix Tshisekedi was [sworn in](#) for a second term. The results of the election have been heavily [contested](#), given widespread reports of voting irregularities. Notably, the vote-monitoring mission of DRC’s Catholic Church and Protestant Church claimed that it had received “5,402 reports of incidents at polling stations, over 60% of which interrupted voting.” Reported “irregularities” include acts of [violence](#). The Carter Center, for instance, [found that](#) “at least 19 deaths, including two candidates, have been attributed to election-related violence.” Efforts to contest the results have, in some instances, been met with repression. For example, an opposition protest in December 2023 in Kinshasa was [violently](#) dispersed by police. Overall, given the context of widespread human rights violations over the past years, there is little indication that elections - widely contested and resulting in no change of power - are likely to result in improvement.

II. Conclusion

The Democratic Republic of the Congo is in crisis. Across the country, civilians contend with devastating armed conflicts, environmental disasters, and ongoing epidemics. The country faces one of the world’s most complex and intractable humanitarian crises, a crisis characterized by widespread hunger, disease, sexual and gender-based violence, and the largest displaced population in Africa with nearly 7 million IDPs. As regional tensions rise, armed groups mobilize, and climate change continues to exacerbate environmental risks, these significant and extraordinary challenges show no sign of improving. At present, the DRC is not safe for return. A TPS designation for the country will protect vulnerable people, avoid overtaxing a country facing multiple debilitating crises and keep Congolese families safe and together in the United States. Today, there are approximately [17,000](#) potentially TPS eligible individuals from the DRC living in the U.S. with [12,000 U.S. citizens](#), [8,000](#) of whom are children. Moreover, these potentially eligible Congolese individuals contribute [\\$86 million](#) to the U.S. economy annually. A TPS designation would give them even greater capacity to support themselves while in the United States and send help home to their families in the DRC.

The DRC context clearly satisfies the TPS criteria. Conflicts in eastern and west provinces constitute “ongoing armed conflict[s] within the state and, due to such conflict[s], requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety.” Similarly, the combination of armed conflict, environmental disasters, and humanitarian and displacement crises—combined with the prevalence of sexual and gender-based violence both within and apart from situations of armed conflict—constitute “extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety.” Finally, while it is unknown whether the Congolese government has requested a TPS designation, there are “environmental disaster[s] in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,” resulting in the Congolese government’s inability to “adequately handle the return to the state” of DRC nationals.