

March 22, 2024

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Biden:

We write to urge you to designate the Democratic Republic of the Congo (DRC) for Temporary Protected Status (TPS), or use an alternative pathway for protection for Congolese people in the United States. The people of the DRC are suffering extreme, horrifying, and irreparable human rights violations. The civilian population have faced decades of violence, arbitrary detention, sexual and gender-based violence, torture, labor trafficking, summary executions, and forced recruitment as soldiers, including children, which are all violations of international human rights treaties.

According to the United Nations, more than 6.9 million people in the DRC are forcibly displaced, constituting “one of the largest internal displacement and humanitarian crisis in the world.”<sup>1</sup> Additionally, the DRC hosts more than half a million refugees from its neighboring countries, the majority of whom live outside of refugee camps and settlements in inhumane conditions.<sup>2</sup> This regional instability makes it even more difficult for Congolese to find a safe country in which to find refuge.

The United States and the United Nations have previously recognized the brutality of the current armed conflict, and the threat to DRC territory by the well-organized and ruthless rebel group, M23, which is the group most responsible for this current war.<sup>3</sup> In July 2023, 24 UN entities came together to call for immediate action to protect Congolese women and girls, who are particularly at risk of sexual and gender-based violence.<sup>4</sup> However, protecting this population has been difficult, and a variety of factors, including epidemics, natural hazards, and food insecurity have limited the viability of the international response.<sup>5</sup> Since October 2023, the

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<sup>1</sup> *A record 6.9 million people are internally displaced in DR Congo, says UN*, FRANCE24 (Oct. 30, 2023), <https://www.france24.com/en/africa/20231030-record-6-9-million-internally-displaced-in-dr-congo-un-says>; *UNHCR calls for urgent support for 6.2 million people forcibly displaced by conflict in DR Congo*, USA FOR UNHCR (Jun. 3, 2023), <https://www.unhcr.org/us/news/press-releases/unhcr-calls-urgent-support-6-2-million-people-forcibly-displaced-conflict-dr>.

<sup>2</sup> *Democratic Republic of the Congo Refugee Crisis Explained*, USA FOR UNHCR (Dec. 7, 2023), <https://www.unrefugees.org/news/democratic-republic-of-the-congo-refugee-crisis-explained/>.

<sup>3</sup> *DR Congo: Killings, Rapes by Rwanda-Backed M23 Rebels: Rebels' Incursions Exacerbate Humanitarian Crisis in East*, HUMAN RIGHTS WATCH (Jun. 13, 2023), <https://www.hrw.org/news/2023/06/13/dr-congo-killings-rapes-rwanda-backed-m23-rebels>.

<sup>4</sup> *Democratic Republic of the Congo situation*, UNHCR (2024), <https://reporting.unhcr.org/operational/situations/democratic-republic-congo-situation>.

<sup>5</sup> *Id.*

M23 has taken over the main roads that lead to the regional capital and several regions around the country, which has left millions of people in a particularly vulnerable state.<sup>6</sup>

The persistent and ongoing armed conflict in DRC represents a serious threat to the safety and lives of its nationals, including Congolese immigrants who have lived in the United States for years. The dangers that members of this community would suffer if returned to DRC include starvation, exploitation, rape and more. It is in our country's best interest to support DRC and safeguard the protection of their human rights. DRC cannot currently protect its own nationals, and it is therefore clear that the country meets the extraordinary and temporary conditions established by Congress in 1990 to justify a designation for TPS.

Throughout your time in office, the United States has accepted far more refugees from the DRC than from any other country – a clear demonstration of the extent and nature of this crisis.<sup>7</sup> There are approximately 2,000 Congolese citizens in the United States that could immediately benefit from the implementation of TPS.<sup>8</sup> Roughly 6,000 U.S. citizens live with Congolese who would be eligible for TPS.<sup>9</sup> A designation of TPS would ensure we do not separate these families and force them to return to a nation facing one of the biggest humanitarian crises of modern history. To uphold our commitment to protect human rights, we must ensure that Congolese nationals in the United States are eligible to remain here so long as it is unsafe for them to return home.

We urge you to use all available pathways and resources under the law to protect vulnerable Congolese, including a designation of TPS for DRC or a grant of Deferred Enforced Departure (DED) for DRC nationals, and Special Student Relief (SSR) for Congolese students. Taking any of these steps would ensure that Congolese people currently in the United States can be protected from being sent back to the violence that is running rampant in their home country.

Section 244(b)(1)(A) of the Immigration and Nationality Act (INA) permits the Secretary of Homeland Security to designate a country for TPS if there is an “ongoing armed conflict” such that the return of nationals to that country would “pose a serious threat to their personal safety.”<sup>10</sup> Similarly, nationals of a country may receive a temporary administrative stay of removal in the form of DED, by Executive Order or a Presidential Memorandum, under such circumstances.<sup>11</sup> For F-1 students from parts of the world that are experiencing “emergent circumstances,” including “wars and military conflicts,” the Secretary of Homeland Security

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<sup>6</sup> Declan Walsh, *The Overlooked Crisis in Congo: 'We live in a War'*, N.Y. TIMES, (Dec. 13, 2023) <https://www.nytimes.com/2023/12/17/world/africa/democratic-republic-of-congo-elections.html>.

<sup>7</sup> U.S. Department of State, Bureau of Population, Refugees, and Migration (PRM), *Refugee Processing Center - Admissions & Arrivals*, WRAPSNET (Jan. 31, 2024), <https://www.wrapsnet.org/admissions-and-arrivals/>.

<sup>8</sup> *TPS Designation for the Democratic Republic of the Congo (DRC)*, FWD.US (2023) <https://www.fwd.us/news/tps-drc/>.

<sup>9</sup> *Id.*

<sup>10</sup> INA § 244(b)(1)(a), 8 U.S.C. § 1254a(b)(1)(a).

<sup>11</sup> Ben Harrington, *An Overview of Discretionary Reprieves from Removal: Deferred Action, DACA, TPS, and Others*, CONG. RES. SERVICE (Apr. 10, 2018) (“DED resembles TPS in that it protects nationals of certain designated countries from removal, except that DED is rooted in inherent executive power rather than in statutory authority.”).

may announce SSR, which allows for the suspension of certain regulatory requirements, including duration of status, full course of study, and off-campus employment eligibility.<sup>12</sup>

Thank you for your prompt attention to this important issue. We look forward to your response.

Sincerely,



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Pramila Jayapal  
Ranking Member  
Immigration Integrity,  
Security, and Enforcement



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Yvette D. Clarke  
Member of Congress



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Steven Horsford  
Member of Congress



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Barbara Lee  
Member of Congress



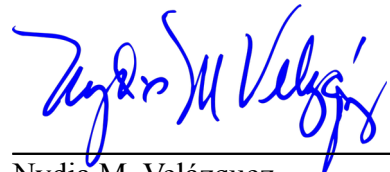
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Eleanor Holmes Norton  
Member of Congress



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James P. McGovern  
Member of Congress

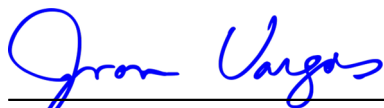


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Nydia M. Velázquez  
Member of Congress

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<sup>12</sup> 8 CFR 214.2(f)(9).



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Juan Vargas  
Member of Congress



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Joaquin Castro  
Member of Congress



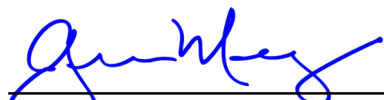
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Jamaal Bowman, Ed.D.  
Member of Congress



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Delia C. Ramirez  
Member of Congress



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Grace Meng  
Member of Congress



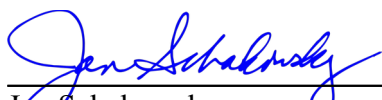
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Mike Quigley  
Member of Congress



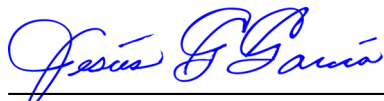
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Rashida Tlaib  
Member of Congress



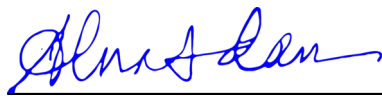
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Jan Schakowsky  
Member of Congress



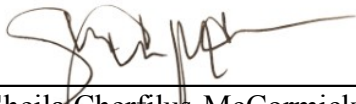
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Jesús G. "Chuy" García  
Member of Congress



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Alma S. Adams, Ph.D.  
Member of Congress



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Sheila Cherfilus-McCormick  
Member of Congress



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Troy A. Carter, Sr.  
Member of Congress



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David J. Trone  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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André Carson  
Member of Congress



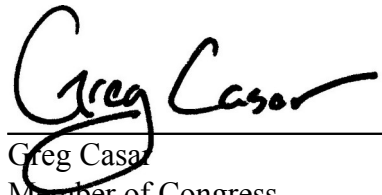
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Terrold Nadler  
Member of Congress



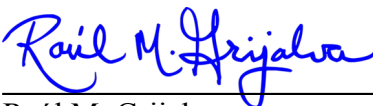
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Ro Khanna  
Member of Congress



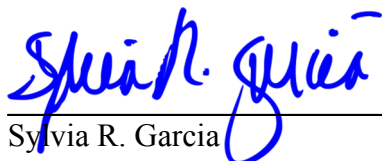
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Greg Casar  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



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Sylvia R. Garcia  
Member of Congress



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Adriano Espaillat  
Member of Congress



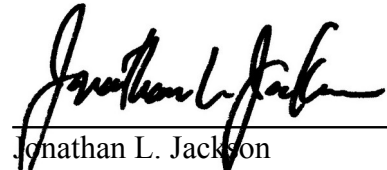
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Sydney Kamlager-Dove  
Member of Congress



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Alexandria Ocasio-Cortez  
Member of Congress



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Jonathan L. Jackson  
Member of Congress



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Dwight Evans  
Member of Congress



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Cori Bush  
Member of Congress



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Ilhan Omar  
Member of Congress



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Emanuel Cleaver, II  
Member of Congress



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Donald M. Payne, Jr.  
Member of Congress



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Mark Pocan  
Member of Congress



Betty McCollum  
Member of Congress



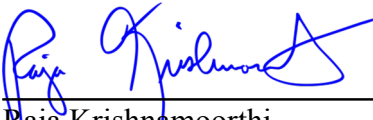
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Member of Congress



Jamie Raskin  
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Raja Krishnamoorthi  
Member of Congress




Chellie Pingree  
Member of Congress



Sheila Jackson Lee  
Member of Congress



Marc A. Veasey  
Member of Congress



Nanette Diaz Barragán  
Member of Congress

CC: The Honorable Alejandro Mayorkas, Secretary of Homeland Security

