

February 1, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20024

Secretary Antony Blinken
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

RE: ORGANIZATIONS CALL FOR DESIGNATION OF TEMPORARY PROTECTED STATUS AND SPECIAL STUDENT RELIEF FOR THE DEMOCRATIC REPUBLIC OF CONGO

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

Under the leadership of Congolese community leaders, the undersigned 115 civil rights, immigrant rights, human rights, faith, educational and grassroots organizations write to urge Secretary Mayorkas to review country conditions and **designate Temporary Protected Status (TPS) and Special Student Relief (SSR) for the Democratic Republic of Congo (DRC)**. Ongoing armed conflict and an escalating humanitarian crisis have garnered the world's attention as reports of brutal violence grow each day.

The DRC is experiencing one of the deadliest armed conflicts in modern human history. The conflict has spanned over a period of 25 years and caused the death of over five million people and internal displacement of thousands.¹ The resurgence of armed conflict between government forces and non-state armed rebel group "Mouvement du 23 mars" or March 23 Movement (M23) has led to the displacement of over 186,000 people since the end of October 2022.² The recent internally displaced are facing grave atrocities, including gender-based violence as a weapon of war, the killing of civilians, abductions, machete raids, burning of homes, and looting.³ It is some of the worst violence in the region since rebels were chased to neighboring Rwanda in 2013. The insecurity has escalated the humanitarian crisis, as relief efforts are severely hampered by violent attacks, depriving civilians of life-saving aid.⁴ Failed peace talks and negotiations reflect an emergency that makes the return of Congolese nationals from the United States life-threatening. **We believe that the ongoing armed conflict, humanitarian situation, and other extraordinary and temporary conditions in**

¹ "IRC Study Shows Congo's Neglected Crisis Leaves 5.4 Million Dead - Democratic Republic of the Congo," ReliefWeb, January 22, 2008, <https://reliefweb.int/report/democratic-republic-congo/irc-study-shows-congos-neglected-crisis-leaves-54-million-dead>.

² "Democratic Republic of the Congo," Internal Displacement Monitoring Centre, May 18, 2022, <https://www.internal-displacement.org/countries/democratic-republic-of-the-congo>.

³ "Mass Displacements in Eastern DR Congo Threaten Young Lives," *UN News*, November 7, 2022, <https://news.un.org/en/story/2022/11/1130297>; "DRC: One Year on, 'State of Siege' Used as a Tool to Crush Dissent," Amnesty International, May 10, 2022, <https://www.amnesty.org/en/latest/news/2022/05/drc-one-year-on-state-of-siege/>.

⁴ "DRC: Violence Deprives Millions of Mothers and Children of Life-Saving Care," OCHA, November 3, 2022, <https://www.unocha.org/story/drc-violence-deprives-millions-mothers-and-children-life-saving-care>; "Mass Displacements in Eastern DR Congo Threaten Young Lives."

DRC warrant an immediate designation of TPS and SSR. Further, we reiterate the necessity to combat racial disparities in decisions regarding TPS designations for Black and Brown-majority countries that meet the statutory requirements.⁵

Temporary Protected Status

Temporary Protected Status allows people from a designated country to remain in the United States while conditions in their home country make safe return impossible. The Secretary of Homeland Security can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions. TPS allows its beneficiaries to stay in the United States during the designation period and receive work permits. It is life-saving, blanket protection, especially for those who are ineligible for or who have been denied asylum. Hence, TPS is a crucial tool the Biden administration has at its disposal to safeguard vulnerable people in the United States when safe return to their home countries is impossible.

Special Student Relief

Special Student Relief (SSR) by the Secretary of the U.S. Department of Homeland Security (DHS) gives international students more flexibility related to their duration of status, course load, and employment eligibility in recognition of emergency circumstances occurring in their home countries. SSR is an option when emergent circumstances occur in a given country—“world events that affect F-1 Students from a particular region and create significant financial hardships, such as but not limited to: natural disasters, wars, and military conflicts.”⁶

Need for designation of Temporary Protected Status for DRC

a. Armed conflict

In November 2022, the armed conflict in the Democratic Republic of Congo took yet another dangerous turn as M23 rebels staged a comeback. As the violence escalates, Kenya’s military began sending troops to Congo in support of government forces.⁷ According to the United Nations, the M23 militia, which emerged following the Rwandan genocide, has been receiving support from the Rwandan government.⁸

The armed conflict in the last year has resulted in the deaths of over 1600 people.⁹ Civilians live in fear and are being subjected to rape and sexual violence, war crimes, massacres, abduction, forced recruitment of children, and pillage by state and non-state factors.¹⁰ The State of Siege enforced in May 2021 has bolstered security forces to arbitrarily detain civil

⁵ “Request for Investigation of Racially Disparate Decisions Regarding the Use of Temporary Protected Status,” TPS-DED AAC, May 11, 2022,

<https://static1.squarespace.com/static/60b79f3630f94f1039bd0125/t/63d316e6df53037ccc98476a/1674778343486/2022-04-06+Letter+to+Admin.+re.+Failure+to+Utilize+TPS.pdf>.

⁶ Presidents’ Alliance on Higher Education and Immigration, “Automatic Special Student Relief Announcement to Accompany Temporary Protected Status Country Designation,” March 1, 2022, <https://www.presidentsalliance.org/wp-content/uploads/2022/02/2022-03-01-TPS-SSR-Memo-Final.pdf>.

⁷ “Kenya to Spend \$37m on Sending Troops to DR Congo,” *Al Jazeera*, November 10, 2022, <https://www.aljazeera.com/news/2022/11/10/kenya-to-spend-37-million-on-sending-forces-to-congo>.

⁸ “Rwanda Backing M23 Rebels in DRC: UN Experts,” *Al Jazeera*, August 4, 2022, <https://www.aljazeera.com/news/2022/8/4/rwanda-backing-m23-rebels-in-drc-un-experts>.

⁹ Id; Human Rights Watch, “Democratic Republic of Congo: Events of 2021,” in *World Report 2022*, 2021, <https://www.hrw.org/world-report/2022/country-chapters/democratic-republic-congo>.

¹⁰ Human Rights Watch, “Democratic Republic of Congo.”

society leaders, including journalists, students, and human rights defenders, with impunity.¹¹ A recent report by the United Nations found that 93% of registered cases of torture, cruel, inhuman, or degrading treatment affecting 4,946 victims were documented in areas affected by armed conflict.¹² Security forces and armed groups were responsible for the crimes.

Just between October 20, 2022, and November 6, 2022, over 186,000 people have been forced to flee their homes.¹³ In the territory held by M23, an estimated 60,000 people are stuck behind the front line, with calls for a humanitarian corridor for safe passage growing.¹⁴ A surge of deadly intercommunal violence in the DRC's western locality of Kwamouth has displaced over 25,000 since July 2022.¹⁵ In Mai-Ndombe and Kwilu provinces in western DRC, inter-communal violence between the Teke and Yaka ethnic communities has killed nearly 200 people and displaced more than 48,000.¹⁶ There are 928,957 refugees and asylum seekers from the DRC around the world.¹⁷

b. Other extraordinary and temporary conditions

The Democratic Republic of the Congo is the world's most neglected displacement crisis, according to a report by the Norwegian Refugee Council.¹⁸ It is also among the five poorest nations in the world, with nearly 64 percent of Congolese living on less than \$2.15 a day.¹⁹ An estimated 19.6 million people are in dire need of humanitarian assistance, half of whom are children.²⁰ Nearly 27 million people are affected by food insecurity, with 900,000 children acutely malnourished.²¹

¹¹ "DRC: One Year on, 'State of Siege' Used as a Tool to Crush Dissent," Amnesty International, May 10, 2022, <https://www.amnesty.org/en/latest/news/2022/05/drc-one-year-on-state-of-siege/>.

¹² Office of the High Commissioner for Human Rights, *Rapport sur la torture et autres peines ou traitements cruels, inhumains ou dégradants en République démocratique du Congo du 1er avril 2019 au 30 avril 2022*, October 2022, https://www.ohchr.org/sites/default/files/documents/issues/torture/2022-10-04/041022_Joint-report-on-torture-in-the-DRC-01042019-to-30042022.pdf.

¹³ "West and Central Africa: Weekly Regional Humanitarian Snapshot (1 - 7 November 2022)," ReliefWeb, November 9, 2022, <https://reliefweb.int/report/chad/west-and-central-africa-weekly-regional-humanitarian-snapshot-1-7-november-2022>.

¹⁴ "Thousands Displaced as M23 Rebels near Key DRC City of Goma," *Al Jazeera*, November 15, 2022, <https://www.aljazeera.com/news/2022/11/15/hundreds-flee-as-congos-m23-rebels-near-key-city-of-goma>.

¹⁵ United Nations High Commissioner, "Violence Erupts in DR Congo's West as Nearly 30,000 Flee Clashes," UNHCR, October 11, 2022, <https://www.unhcr.org/news/briefing/2022/10/634521334/violence-erupts-dr-congos-west-nearly-30000-flee-clashes.html>.

¹⁶ "Democratic Republic of the Congo," Global Centre for the Responsibility to Protect, December 1, 2022, <https://www.globalr2p.org/countries/democratic-republic-of-the-congo/>.

¹⁷ "Refugees and Asylum Seekers from DRC," Operational Data Portal: Refugee Situations, accessed January 23, 2023, <https://data.unhcr.org/en/situations/drc>.

¹⁸ Jessica Wanless, "DR Congo: The World's Most Neglected Displacement Crisis," *Al Jazeera*, June 1, 2022, <https://www.aljazeera.com/gallery/2022/6/1/photos-dr-congo-the-worlds-most-neglected-displacement-crisis>.

¹⁹ "The World Bank in DRC," World Bank, accessed January 23, 2023, <https://www.worldbank.org/en/country/drc/overview>.

²⁰ "Democratic Republic of the Congo Archives," Amnesty International, accessed January 23, 2023, <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/democratic-republic-of-the-congo/report-democratic-republic-of-the-congo/>.

²¹ "Doctors of the World Response to Humanitarian Crisis in Eastern DRC," Médecins du Monde, November 3, 2022,

On August 21, 2022, the Ministry of Health announced that a new case of Ebola was detected, a major public health concern in the region.²² The protracted humanitarian crisis has destroyed key infrastructure and state institutions, severely impacting the country's capacity to recover, prepare and respond to outbreaks. Other outbreaks in the country including cholera, measles, polio, yellow fever, monkeypox, and COVID-19, have overburdened the healthcare system and exhausted available resources.²³ Country-wide economic decline has decreased the purchasing power of households, with more than 3 million people in the country's Greater Kasai region severely food insecure.²⁴

Congo is one of the ten countries most vulnerable to the impact of climate change, according to the IRC.²⁵ The volcanic eruption of Nyiragongo in May 2021 caused mass destruction and many disappearances.²⁶ The volcanic situation further displaced people, and the risk of future eruptions and the spread of noxious gas from other volcanic sites looms.²⁷

The United States must designate TPS for the DRC

In the latest refugee admissions report published by Refugee Council USA, DRC topped the list of the top five countries of origin for refugees resettled to the United States.²⁸ Of the top five countries—the DRC, Syria, Sudan, Burma, and Ukraine—the **DRC is the only country not designated for Temporary Protected Status.**

Despite the acknowledgment of the severity of the country's conditions, including the armed conflict, violence, and humanitarian crisis, the Biden administration has delayed providing a designation of TPS and SSR for the DRC. In October 2022, the U.S. government issued a level 4 travel advisory warning citizens not to travel to the DRC, citing ongoing armed conflict, humanitarian crisis, and violence against civilians.²⁹ USAID issued a report stating that between 7.5 and 10 million people across the DRC will face severe levels of acute food insecurity through

<https://reliefweb.int/report/democratic-republic-congo/doctors-world-response-humanitarian-crisis-eastern-drc>.

²² "Ebola Virus Disease – Democratic Republic of the Congo," World Health Organization, August 25, 2022, <https://www.who.int/emergencies/disease-outbreak-news/item/2022-DON404>.

²³ Id.

²⁴ "The DRC Crisis, Explained," Concern Worldwide, October 28, 2021, <https://www.concernusa.org/story/drc-crisis-explained/>.

²⁵ "Crisis in the Democratic Republic of Congo: Unprecedented Hunger," International Rescue Committee (IRC), May 27, 2021, <https://www.rescue.org/article/crisis-democratic-republic-congo-unprecedented-hunger>.

²⁶ "Democratic Republic of Congo," International Rescue Committee (IRC), accessed January 23, 2023, <https://www.rescue.org/country/democratic-republic-congo>.

²⁷ Finbarr O'Reilly and Declan Walsh, "After Eruption, Residents in Congo Struggle to Find Food and Shelter," *The New York Times*, June 2, 2021, <https://www.nytimes.com/2021/06/02/world/africa/congo-volcano-mount-nyiragongo.html>.

²⁸ "RCUSA Refugee Arrivals Report – Q3 FY22," Refugee Council USA, July 25, 2022, <https://rcusa.org/resources/rcusa-refugee-arrivals-report-q3-fy22/>.

²⁹ "Democratic Republic of the Congo Travel Advisory," U.S. Department of State, accessed January 23, 2023, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/democratic-republic-of-the-congo-travel-advisory.html>.

March 2023.³⁰ According to the Department of State, the exploitation of “conflict minerals” have furthered human rights abuses and is helping fund the conflict.³¹

On the 62nd anniversary of the DRC’s independence, the Biden administration stated that “the United States is committed to furthering our partnership to advance efforts to promote peace, security, prosperity, and human rights in the DRC.”³² Vice President Kamala Harris has committed to working with the DRC to support stability and peace in the region.³³ TPS and SSR align with the strategic national interest in improving U.S.-Congo relations. By protecting lives and granting work authorization, TPS serves key national and regional security interests, advances moral and strategic U.S. engagement with Africa, and provides other benefits to the United States such as economic growth through increased workforce contributing to the GDP and our communities. **It is more important than ever for the administration to use the full breadth of its executive power to provide essential humanitarian protections for Congolese nationals in the United States.**

Conclusion

The Democratic Republic of Congo is experiencing ongoing armed conflict and other extraordinary and temporary conditions that make the safe return of Congolese from the United States impossible. As highlighted above, the country conditions in the DRC meet the statutory requirements for a designation of Temporary Protected Status and Special Student Relief. We urge President Biden, Secretary Mayorkas, and other relevant decision-makers in the administration, to review country conditions and immediately designate TPS and SSR for the DRC. We request that an initial designation of 18 months is granted, along with a prompt publication of the Federal Register Notice (FRN), a 180-day registration period for eligible applicants to submit their applications, and a community-driven outreach campaign for awareness about the relief. Congress created TPS as a mechanism to provide humanitarian relief to those who cannot and should not be returned to dangerous conditions, **including Black and Brown immigrants**. Past designations by the administration have reflected racial bias in the TPS decision-making process. **The Biden administration must prioritize equity in the consideration of TPS for the DRC. This request is an opportunity for the United States to exercise its leadership and alleviate the pain of the Congolese people.**

Sincerely,

International

African Immigration Initiative of the Courageous Resistance of the Desert
American Friends Service Committee (AFSC)
American Relief Coalition for Syria (ARCS)

³⁰ “Democratic Republic of the Congo | Humanitarian Assistance,” U.S. Agency for International Development, December 9, 2022, <https://www.usaid.gov/humanitarian-assistance/democratic-republic-of-the-congo>.

³¹ U.S. Government Accountability Office, “Conflict Minerals: Overall Peace and Security in Eastern Democratic Republic of the Congo Has Not Improved Since 2014,” September 14, 2022, <https://www.gao.gov/products/gao-22-105411>.

³² Joe Biden, “President Biden Letter to President Tshisekedi on the Occasion of 62nd Anniversary for DRC Independence,” U.S. Embassy in the Democratic Republic of the Congo, June 30, 2022, <https://cd.usembassy.gov/president-biden-letter-to-president-tshisekedi-on-the-occasion-of-62nd-anniversary-for-drc-independence/>.

³³ “Readout of Vice President Kamala Harris Call with President Felix Tshisekedi of the Democratic Republic of the Congo,” The White House, February 26, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/26/readout-of-vice-president-kamala-harris-call-with-president-felix-tshisekedi-of-the-democratic-republic-of-the-congo/>.

Amnesty International, USA
Church World Service
Coalition for Dialogue and Negotiations
Deported Asylum Seekers Assistance Project
Festival du Kwango
Friends of the Congo
FWM group
Global Social Work, LLC
Haitian Bridge Alliance
ICC-USAN
International Refugee Assistance Project (IRAP)
Joan Hall Consulting
MADRE
MEF
Nigerian DED Forum
Oasis Network for Community Transformation
The Campaign for Hong Kong
U.S. Committee for Refugees and Immigrants
Women's and Africa IRF Working Group/ ICON/ Jubilee Campaign

National

African Communities Together
Aldea - The People's Justice Center
Alianza Americas
American Immigration Council
American Immigration Lawyers Association
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Black Alliance for Just Immigration (BAJI)
Bridges Faith Initiative
Cameroon Advocacy Network
Cameroon American Council
CASA
Center for Gender & Refugee Studies
Communities United for Status & Protection (CUSP)
Congolese Community of Washington Metropolitan (CCWM)
Detention Watch Network
Dominican Sisters, Grand Rapids
Dominican Sisters of Mission, San Jose
First Focus on Children
Franciscan Action Network
FWD.us
Guadalupe Presbyterian Church, USA
Hispanic Federation
Human Rights First
Immigration Equality
Immigration Hub
InReach
Intercommunity Peace & Justice Center
IRF Roundtable Africa Working Group/Red Eagle Enterprises
Justice Action Center

Kin Foundation
Lutheran Immigration and Refugee Service
National Council of Jewish Women
National Employment Law Project
National Immigration Law Center (NILC)
National Partnership for New Americans
NETWORK Lobby for Catholic Social Justice
Northeastern University School of Law, Immigrant Justice Clinic
Poder Latinx
Presbyterian Church (USA)
RAICES
Sisters of Mercy of the Americas Justice Team
Sisters of Saint Joseph, Brentwood NY
Sisters of St. Francis of Philadelphia
UndocuBlack Network
Unitarian Universalists for Social Justice
United We Dream
Young Center for Immigrant Children's Rights

State/Local

Al Otro Lado
Ayuda
Bijoux Ngwanda Law Office, PLLC
Centro Romero
Chacon Center for Immigrant Justice at Maryland Carey Law
Church Council of Greater Seattle
Church Women United, New York
Coalicion de Derechos Humanos
Coalition for Humane Immigrant Rights (CHIRLA)
Dorothy Day Catholic Worker House, Washington DC
DRUM - Desis Rising Up & Moving
FANM
Florida Immigrant Coalition
Great Lake African House Foundation, Inc
Human Rights Initiative of North Texas
Immigrant Defenders Law Center
Immigrant Legal Advocacy Project
Interfaith Welcome Coalition, San Antonio
InterReligious Task Force on Central America
Iskashitaa Refugee Network
Jesus for All Christian Ministry, Inc.
Jewish Voice for Peace, Atlanta Chapter
Just Neighbors
Kentucky Coalition for Immigrant and Refugee Rights
Louisiana Organization for Refugees and Immigrants
Lutheran Church of Our Redeemer
Lutheran Social Services of the National Capital Area (LSSNCA)
Michigan Immigrant Rights Center
New York Immigration Coalition
North Carolina Justice Center
Northeast Ohio Friends of Immigrants

Pennsylvania Council of Churches
Refugee Women's Alliance
Riverside Sojourners
Seattle Immigrant Rights Action Group
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Joseph of Carondelet, LA
Social Justice Coalition, Central Lutheran Church
Strangers No Longer, Michigan
The Advocates for Human Rights
UUFHCT
Wallingford Indivisible
Ware
Wilco Justice Alliance, Williamson County, TX
Wind of the Spirit Immigrant Resource Center



U.S. Citizenship
and Immigration
Services

February 28, 2023

Ramya Reddy
Managing Policy Counsel
Masa Group
ramya@masadc.com

Dear Ms. Reddy:

Thank you for your February 1, 2023 letter to the U.S. Department of Homeland Security (DHS) in support of Temporary Protected Status (TPS) and Special Student Relief (SSR) for the Democratic Republic of Congo (DRC). Secretary Mayorkas asked that I respond on his behalf.

I appreciate the concerns you outlined regarding the situation and conditions in the DRC and your interest in DRC's designation for TPS and SSR. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing that program, and U.S. Immigration and Customs Enforcement is principally responsible for advising the Secretary on SSR designations.

As you are aware, the Secretary may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. To designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety and permitting the country's nationals to remain temporarily would not be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1).

Please be assured that DHS is monitoring the conditions in the DRC in consultation with interagency partners. DHS is committed to administering its programs, including TPS, in an equitable manner. DHS also offers support that may be available upon request to assist those affected by special situations, including eligible nationals of the DRC residing in the United States. Such support includes:

- Change or extension of nonimmigrant status if eligible nationals are currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;

Ramya Reddy

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- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the natural disaster; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information on these options is available under “Special Situations” on the USCIS website at <https://www.uscis.gov/humanitarian/special-situations>.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director