

March 22, 2024

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

RECEIVED

By ESEC at 10:06 am, Apr 05, 2024

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.”¹ 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.² 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.³ 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.⁴ 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.⁵ Since October 2023, the

¹ *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>.

² *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/>.

³ *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>.

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

⁵ *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.⁶

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.⁷ There are approximately 2,000 Congolese citizens in the United States that could immediately benefit from the implementation of TPS.⁸ Roughly 6,000 U.S. citizens live with Congolese who would be eligible for TPS.⁹ 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.”¹⁰ 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.¹¹ For F-1 students from parts of the world that are experiencing “emergent circumstances,” including “wars and military conflicts,” the Secretary of Homeland Security

⁶ 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>.

⁷ 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/>.

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

⁹ *Id.*

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

¹¹ 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.¹²

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

Sincerely,



Pramila Jayapal
Ranking Member
Immigration Integrity,
Security, and Enforcement



Yvette D. Clarke
Member of Congress



Steven Horsford
Member of Congress



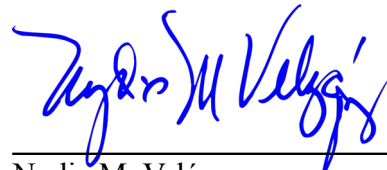
Barbara Lee
Member of Congress



Eleanor Holmes Norton
Member of Congress

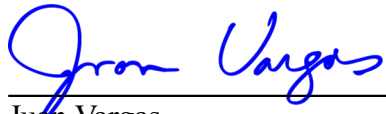


James P. McGovern
Member of Congress

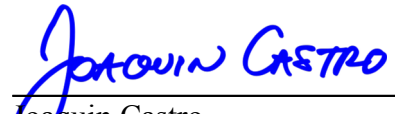


Nydia M. Velázquez
Member of Congress

¹² 8 CFR 214.2(f)(9).



Juan Vargas
Member of Congress



Joaquin Castro
Member of Congress



Jamaal Bowman, Ed.D.
Member of Congress



Delia C. Ramirez
Member of Congress



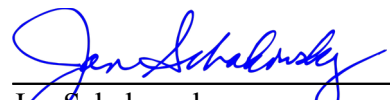
Grace Meng
Member of Congress



Mike Quigley
Member of Congress



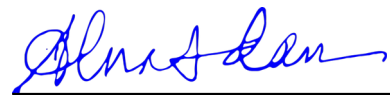
Rashida Tlaib
Member of Congress



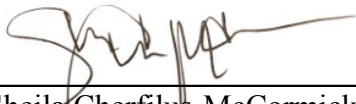
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Jesús G. "Chuy" García
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Alma S. Adams, Ph.D.
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Sheila Cherfilus-McCormick
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Troy A. Carter, Sr.
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David J. Trone
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Frederica S. Wilson
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André Carson
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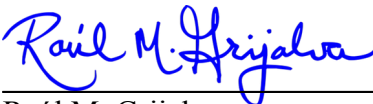
Jerrold Nadler
Member of Congress



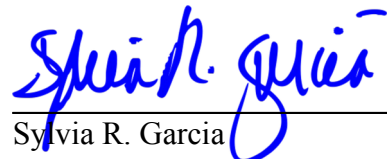
Ro Khanna
Member of Congress



Greg Casar
Member of Congress



Raúl M. Grijalva
Member of Congress



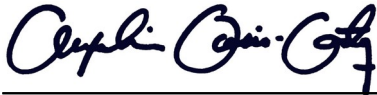
Sylvia R. Garcia
Member of Congress



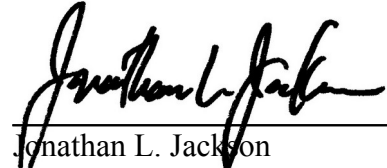
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Alexandria Ocasio-Cortez
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Cori Bush
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Ilhan Omar
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Emanuel Cleaver, II
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Donald M. Payne, Jr.
Member of Congress



Mark Pocan
Member of Congress



Betty McCollum
Member of Congress



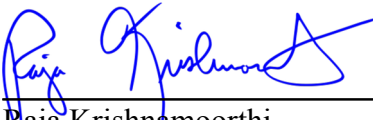
Dan Goldman
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Jamie Raskin
Member of Congress



Raja Krishnamoorthi
Member of Congress



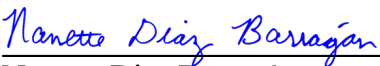
Chellie Pingree
Member of Congress



Sheila Jackson Lee
Member of Congress



Marc A. Veasey
Member of Congress



Nanette Diaz Barragán
Member of Congress



U.S. Citizenship
and Immigration
Services

May 13, 2024

The Honorable Pramila Jayapal
U.S. House of Representatives
Washington, DC 20515

Dear Representative Jayapal:

Thank you for your March 22, 2024 letter to President Biden in support of a designation of Temporary Protected Status (TPS) for the Democratic Republic of the Congo (DRC) and an alternative pathway for protection for Congolese nationals in the United States. The White House referred your letter to the Department of Homeland Security (DHS), and I am responding on behalf of the Department.

As you may know, the Secretary of Homeland Security may designate a country for TPS based upon specific statutory criteria. In order to designate a country for TPS, 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, disruptions 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 the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States.¹

I appreciate the information you shared about conditions in the DRC. Please be assured DHS continues to monitor conditions in the DRC and remains committed to administering its programs, including TPS, in an equitable manner. In addition to TPS, USCIS also offers immigration relief that may be available upon request to assist eligible noncitizens affected by emergencies or unforeseen circumstances in the DRC.² Such relief may include:

- 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;

¹ See Immigration and Nationality Act § 244(b)(1), 8 U.S.C. § 1254a(b)(1).

² Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.

- Expedited processing of requests for advance parole documents;
- 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 an emergency or unforeseen circumstance; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

Thank you again for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

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