

Congress of the United States

Washington, DC 20515

September 29, 2023

The Honorable President Joe Biden
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

RECEIVED
By ESEC at 11:32 am, Sep 29, 2023

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable Antony Blinken
Secretary of State
U.S. State Department
2201 C Street NW
Washington, DC 20037

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

We are writing today to urge the administration to designate Temporary Protected Status (TPS) and Special Student Relief (SSR) for the Democratic Republic of Congo (DRC), as we continue to receive reports of heinous armed conflict and mounting massacres of civilians.

As you know, the administration can grant TPS to foreign nationals if their country of origin is impacted by armed conflict, unprecedented natural disaster, or other extraordinary, temporary conditions. The administration can also grant SSR when natural disasters, wars, and military conflicts create significant financial hardships for foreign students. We believe the situation in the DRC meets these criteria.

In recent months, fighting between Congolese state forces and a Rwanda-backed rebel group, March 23 Movement (M23), has claimed hundreds of lives, injured thousands, forcibly displaced tens of thousands, and terrorized many more. In December 2022, 300 innocent people were killed in civilian homes, the church where they sought refuge, and while fleeing hostilities.¹ This massacre sparked protests from tens of thousands of Congolese civilians.

The East African Community (EAC) responded by deploying 12,000 troops from its Regional Force to eastern DRC in April 2023 in an attempt to secure the withdrawal of M23. Four months since the EAC reached full troop deployment, reports of unlawful killings, sexual violence, rape, and other apparent war crimes by M23 persist.² The insecurity civilians face is now compounded

¹ <https://www.ohchr.org/en/statements/2022/12/comment-un-human-rights-office-spokesperson-marta-hurtado-drc>.

² <https://www.hrw.org/news/2023/06/13/dr-congo-killings-rapes-rwanda-backed-m23-rebels>.

by martial law in the region and the alleged collaboration of the Congolese army with various armed groups, mostly along ethnic lines.

The resurgence of M23 is a distinct crisis that has prompted global leaders to respond. Secretary of State Antony J. Blinken has called on Rwanda to end its support for M23 and spoke with DRC President Félix Tshisekedi in May of this year on “the ongoing violence and dire humanitarian situation in the eastern DRC.”³ Due to the threat of armed conflict, the U.S Department of State maintains a Level 4: Do Not Travel advisory in North Kivu, Ituri, The eastern DRC region, and the three Kasai provinces (Kasai, Kasai-Oriental, Kasai-Central).

Given the extreme ongoing violence, deteriorating conditions, and the posture of the Department of State, it is clear that the DRC meets the standards for TPS and SSR. We believe it is critical that a designation be issued for the DRC that reflects the continued extraordinary and temporary conditions on the ground. We urge the Administration to review country conditions and designate Temporary Protected Status and Special Student Relief for the Democratic Republic of Congo.

Designating the DRC for TPS will also address a discrepancy in U.S. policy. In the most recent report from Refugee Council USA, DRC topped the list of countries of origin for refugees resettled in the United States.⁴ Of the top five countries - DRC, Syria, Sudan, Burma, and Ukraine, DRC is the only country not designated for Temporary Protected Status. This divergence comes as more than 1400 people have already been killed this year, 19.6 million people are in dire need of humanitarian assistance, 27 million people are affected by food insecurity, and an outbreak of Ebola, cholera, measles, polio, yellow fever, monkeypox, and COVID-19 have caused major public health crises.⁵

We believe the armed conflict and humanitarian crisis warrant an immediate designation of Temporary Protected Status and Special Student Relief for DRC. The U.S. has a moral obligation to uphold its promise to vulnerable Congolese, and protect them from being deported to fatal conditions. We strongly urge the Secretary and his counterparts in the administration to take necessary measures to protect the Congolese community in the United States.

Thank you for your consideration of this important matter.

Sincerely,

³ <https://www.state.gov/secretary-blinkens-call-with-democratic-republic-of-the-congo-president-tshisekedi/>.

⁴ <https://rcusa.org/resources/rcusa-refugee-arrivals-report-q3-fy22/>

⁵ <https://www.hrw.org/world-report/2022/country-chapters/democratic-republic-congo;>
<https://www.who.int/emergencies/disease-outbreak-news/item/2022-DON404>

Yvette W. Clarke

Yvette D. Clarke
Member of Congress

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Cory A. Booker
United States Senator

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Edward J. Markey
United States Senator

Bernard Sanders

Bernard Sanders
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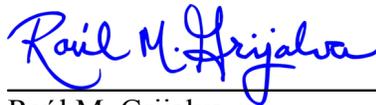
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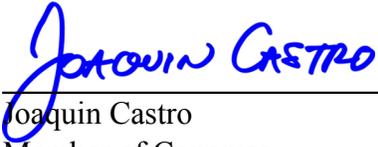
André Carson
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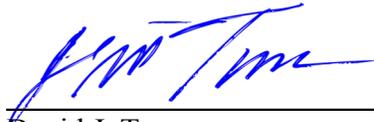
Kathy Castor
Member of Congress



Adriano Espaillat
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Joaquin Castro
Member of Congress



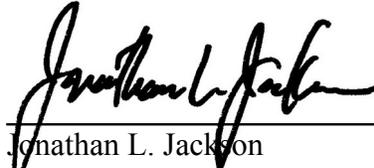
David J. Trone
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Henry C. "Hank" Johnson, Jr.
Member of Congress



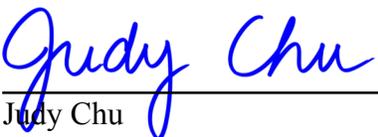
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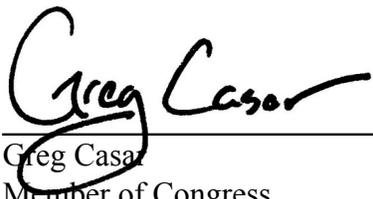
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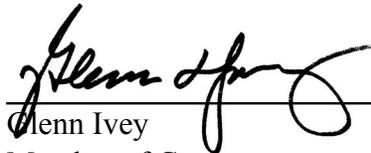
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U.S. Citizenship
and Immigration
Services

November 13, 2023

The Honorable Yvette D. Clarke
U.S. House of Representatives
Washington, DC 20515

Dear Representative Clarke:

Thank you for your September 29, 2023 letter to the Department of Homeland Security (DHS) in support of Temporary Protected Status (TPS) and Special Student Relief (SSR) for the Democratic Republic of the Congo (DRC). I am responding on behalf of the Department.

As your letter noted, 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 facts: (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 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. *See* Immigration and Nationality Act § 244(b)(1).

I appreciate the concerns you have outlined regarding the situation in the DRC and your interest in its designation for TPS. Please be assured that DHS is monitoring conditions in DRC. DHS is committed to administering its programs, including TPS, in an equitable manner and makes decisions to designate TPS after consultation with interagency partners and careful consideration of the circumstances of the country. DHS also offers support that may be available upon request to U.S. Citizenship and Immigration Services (USCIS), which grants immigration relief to eligible noncitizens affected by emergencies or unforeseen circumstances. Such relief may include the following:

- 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;
- 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 due to the circumstances; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information is available at <https://www.uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances>.

The Secretary, pursuant to federal regulations, may authorize SSR due to emergent circumstances after careful consideration of the conditions in the affected country. Under SSR, DHS may suspend the applicability of certain regulatory requirements for F-1 nonimmigrant students from the affected country, such as minimum course load requirements and employment limitations. SSR allows eligible F-1 nonimmigrant students, who are experiencing severe economic hardship resulting from the emergent circumstances in their country, to apply to USCIS for employment authorization. DHS continues to assess whether to suspend certain regulatory requirements for F-1 nonimmigrant students from the DRC who are experiencing severe economic hardship due to DRC country conditions.

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