

# COI Focus

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## DEMOCRATIC REPUBLIC OF CONGO

### The treatment by national authorities of their citizens returning to Congo

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20 January 2020 (update)

Cedoca

Original language: French

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All the sources used are briefly mentioned in a footnote and described in detail in a bibliography at the end of the document. Sources which have been consulted but which were not used are listed as consulted sources. In exceptional cases, sources are not mentioned by name. When specific information from this document is used, the user is asked to quote the source mentioned in the bibliography.

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## Introduction

This report is an update of the COI Report of 14 June 2019. It concerns the attitude of the Congolese authorities to their returning nationals after they have left the country illegally and/or have applied for international protection in Belgium and/or have lived there. This study does not cover the treatment accorded by the authorities to returning nationals because of their political, ethnic, religious or terrorist profile.

This report covers the period from May to December 2019.

A return to the country of origin is considered where the foreigner no longer meets the conditions required for him to stay in Belgium. That return may be voluntary or forced. Voluntary return means that the decision to return rests with the foreigner who may either arrange his journey himself or benefit from a return programme co-ordinated by the Federal Agency for the Reception of Asylum Seekers (*FEDASIL - Agence fédérale pour l'accueil des demandeurs d'asile*) and organised by the International Organisation for Migration (IOM) or the Immigration Office (*OE - Office des étrangers*)<sup>1</sup>. In contrast, a forced return is where the person is sent back to his country of origin by the host country against his will. It is organised by the Immigration Office<sup>2</sup>.

This report consists of six parts. Part I traces the current migration background, while Part II is devoted to the applicable legal framework. Part III deals with any existing readmission agreements between Belgium and/or the European Union (EU) and the Democratic Republic of Congo (DRC). Part IV concerns the types of return (voluntary and forced) carried out by the Belgian authorities. In Part V, Cedoca focuses on entry to the territory by examining information about the authorities present, arrival procedures and problems which might be reported. The last part of this report looks at how the authorities monitor nationals once they are on the territory.

This non-exhaustive research was written on the basis of publicly available information.

Cedoca points out that the sources consulted do not always specify the type of return (voluntary or forced). Moreover, some information has been gathered directly from agents involved in organising returns such as the Immigration Office and the IOM.

Cedoca uses the terms "asylum application/asylum seeker" when referring to information which pre-dates the new terminology since the entry into force in March 2018 of the law transposing the European Asylum Procedure Directive of 2013<sup>3</sup> into Belgian law.

The literature search for this update was completed on 17 December 2019.

This report was translated from French into English by the UK Home Office. The translation was reviewed by Cedoca.

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<sup>1</sup> FEDASIL, no date, [url](#)

<sup>2</sup> Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for the return of illegally staying third-country nationals was transposed into Belgian law by three legal instruments: the law of 19 January 2012 amending the law of 15 December 1980; the law of 19 January 2012 amending the legislation on the reception of asylum seekers and the Royal Decree of 19 January 2012 amending the Royal Decree of 8 October 1981 on access to the territory and on the stay, establishment and removal of foreigners; and the Royal Decree of 20 July 2001 on the operations and staffing of the General Inspectorate of the Federal Police and the local police in the context of controlling a forced return.

<sup>3</sup> CGRA, 21/03/2018, [url](#)

## 1. Migration background

### 1.1. Migration flows

The report of the United Nations High Commissioner for Refugees (UNHCR) entitled *Global Trend. Forced Displacement in 2018* says that the first place of refuge for Congolese nationals is the African continent<sup>4</sup>. The DRC has the world's third largest displaced population with 5.4 million persons, comprising 4.4 million internally displaced persons, 620,800 refugees and 136,400 asylum seekers. The majority of DRC refugees were received by neighbouring countries (Uganda, Rwanda and Burundi), but DRC refugees were also received by South Africa as well as France<sup>5</sup>.

With regard to migrations between the DRC and Belgium, the Applied Demography Research Group (Catholic University of Louvain, UCL) and the Centre for Equal Opportunities and the Fight against Racism specifically reviewed the phenomenon of Congolese migration in 2010 and its impact on the Congolese population in Belgium. The research presents an outline of the history and sociology of that migration, noting in particular:

"It was during that time [from the 1980s] that the first major flows of refugees occurred, a tendency which would mark the 1990s and 2000s, with spikes in asylum applications in 1992-93 and at the time of the Second Congo War from 1998 to 2003. The Congolese migration to Belgium went from a movement strategy which mainly involved students to a settlement strategy which was driven by applications for international protection and family reunification. Between the early 1960s and late 1980s, a significant number of Congolese nationals did return home. From the 1990s, these returns were strictly limited, and Congolese migrations increasingly involved long-term settlement and migration" [translation]<sup>6</sup>.

A report published in February 2019 by Justice et Paix [*Justice and Peace, a Belgian NGO*] focused on the root causes of Congolese migrations to Belgium:

"[...] it is estimated that only around 80,000 Congolese citizens live in Belgium. The main reasons for migration put forward by these people are study and family (+/-30%) and conflicts (+/- 25%). [...] this figure is still relatively low. This can be explained by the difficulties and the high cost of such a journey, which limits this 'privilege' to the upper-middle classes or to people from affluent backgrounds. The possibility of migrating to Europe is far from a reality for thousands of other Congolese nationals who are forced into exile in their own country or in the region"[translation]<sup>7</sup>.

In 2017, 2018<sup>8</sup> and 2019, Belgium ranked third in terms of the number of applications for international protection which were lodged in the European Union by Congolese nationals<sup>9</sup>.

<sup>4</sup> Research by the IOM on migration in West and Central Africa (Regional Overview 2009) had already mentioned that the main destinations of Congolese migrants were on the African continent: South Africa (18.2%), the Republic of Congo (13.1%), Zambia (9.2%), Rwanda (8.7%), Zimbabwe (8.7%) and Uganda (8.5%). Belgium was the next country for the most Congolese migrants (6.1%), followed by France (3.3%). Cf. IOM, 2011, [url](#)

<sup>5</sup> UNHCR, *Global trends, Forces displacement in 2018*, no date, [url](#)

<sup>6</sup> European Migration Network, no date, [url](#). For more details on this research, see "Groupe d'étude de démographie appliquée (UCL), Centre pour l'égalité des chances et la lutte contre le racisme (Schoonvaere Q.), 2010" [*Research Group for Applied Demography (UCL) and the Centre for Equal Opportunities and the Fight against Racism*], [url](#)

<sup>7</sup> Justice et Paix, 02/2019, [url](#)

<sup>8</sup> Eurostat, 2019, [url](#) ; Eurostat, 15/06/2017, [url](#) ; Eurostat, 16/05/2019 [url](#)

<sup>9</sup> Eurostat, Asylum quarterly report, 2019, [url](#)

## 1.2. Relations with Belgium

In terms of migration, several campaigns have been conducted since 2006 in the DRC by Belgium in partnership with the Congolese government (under the presidency of Joseph Kabila) in the field of the prevention of immigration, in particular with the use of travelling theatre performances or performances broadcast on TV stations<sup>10</sup>. Campaigns of that kind have not been organised since Félix Tshisekedi became President of the DRC<sup>11</sup>.

In terms of politics, relations between Belgium and the DRC were somewhat strained in the last years of Joseph Kabila's presidency<sup>12</sup> (suspension of the bilateral co-operation between the two countries<sup>13</sup>, closure in early 2018 of the Belgian Consulate General in Lubumbashi, end of activities of the Enabel Development Agency<sup>14</sup>, closure of the Schengen House which acted as the European Consulate in Kinshasa<sup>15</sup> and reduction in the frequency of Brussels Airlines' flights between Brussels and Kinshasa<sup>16</sup>).

Since Félix Tshisekedi was sworn in as President in early 2019, relations between the two countries have improved, with there particularly being a return to the normal frequencies of Brussels Airlines' flights and the re-opening of the Schengen House<sup>17</sup>. President Tshisekedi conducted an official mission to Belgium in September 2019, something which went smoothly aside from a few protest demonstrations by members of the Congolese diaspora<sup>18</sup>. On that occasion, President Tshisekedi called on members of the diaspora to return home<sup>19</sup>.

## 2. Legal framework concerning migration

On 1 November 1976, the DRC ratified the International Covenant on Civil and Political Rights (ICCPR), Article 12 of which focuses on the right of everyone to have the freedom to leave his country and to return to it<sup>20</sup>.

Article 30 of the Constitution, which was promulgated on 18 February 2006 and amended in 2011, states:

"Everyone who is on national territory has the right to move freely within it, to establish his home on it and to leave and return to it in accordance with the conditions prescribed by law. No Congolese national shall be expelled from the territory of the Republic or be forced into exile or be forced to live outside his usual place of residence" [translation]<sup>21</sup>.

CECOCA has not found any information in Congolese legislation relating to sanctions for leaving the country illegally, for lodging an application for international protection abroad or for having lived abroad. On 2 December 2019, Cedoca questioned Geert Verbauwheide, Adviser to the Identification

<sup>10</sup> Pécoud A., no date, [url](#) ; Congo One, 21/05/2006, [url](#) ; Le Potentiel on AllAfrica, 19/07/2006, [url](#) ; Lubumbashi University (Tshibambe G. N., Kabunda G. M.) on IMI, 08/2010, [url](#)

<sup>11</sup> Smits K., Immigration Officer from the Immigration Office, email 10/12/2019

<sup>12</sup> An article in Jeune Afrique sets out a few details which were at the root of those tensions. Cf. Jeune Afrique, 16/11/2017, [url](#)

<sup>13</sup> Congoactuel, 19/04/2018, [url](#)

<sup>14</sup> Enabel [website], no date, [url](#)

<sup>15</sup> Le Vif, 28/09/2018, [url](#)

<sup>16</sup> L'écho, 22/02/2019, [url](#)

<sup>17</sup> L'écho, 22/02/2019, [url](#) ; DigitalCongo, 07/03/2019, [url](#) ; Times, 02/2019, [url](#)

<sup>18</sup> The magazine Dialogue referred to a number of articles about President Tshisekedi's visit in its 22 September 2019 issue. Cf. Revue Dialogue on Congoforum, 22/09/2019, [url](#) ; Le Soir, 17/09/2019, [url](#)

<sup>19</sup> CAS-INFO.CA, 19/09/2019, [url](#) ; RTBF, 18/09/2019, [url](#)

<sup>20</sup> Online brief (Kandolo On'Ufuku wa Kandolo P. F.), 2005, [url](#)

<sup>21</sup> Journal officiel de la République démocratique du Congo, 18/02/2006, [url](#)

and Removal Unit of the Interior Control Department of the Immigration Office, who replied on the same day that he had no knowledge of such laws in the DRC<sup>22</sup>. This information was confirmed by the IOM, which explained in an email of 10 December 2019 that it was not aware of any legislation in the DRC which condemned a person for leaving the country illegally and/or for having lodged an application for international protection<sup>23</sup>.

### 3. Readmission agreements

On 9 September 2016, the MP Denis Ducarme asked the following parliamentary question (among other questions concerning returns to the DRC and Guinea): "Do the readmission agreements signed with those two countries operate properly where returning nationals are concerned?" The Secretary of State for Asylum, Migration and Administrative Simplification, the Deputy Minister for Security and Home Affairs, replied on 10 April 2017:

"In 2006, a Memorandum of Understanding (MoU) was agreed with the Democratic Republic of Congo (DRC) to facilitate the return of rejected asylum seekers and illegal immigrants. In practice, that agreement works very well"[translation]<sup>24</sup>.

On 2 December 2019, Geert Verbauwheide of the Immigration Office confirmed this information:

"There is no readmission agreement. There is, however, a Memorandum of Understanding (MoU) between the Immigration Office and the Congolese authorities which covers several aspects of migration co-operation. This document contains an identification and removal procedure. Given the confidential nature of this document, it cannot be shared without the agreement of all the contracting parties"[translation]<sup>25</sup>.

### 4. Types of return

The website of the Embassy of the DRC in Brussels gives no details about the circumstances of returning Congolese nationals except in the specific contexts of an end of studies or an end of contract:

"[...] anyone who has lived outside our country to undertake education evidenced by a degree or an end-of-study certificate and anyone who has been sent to work for a branch of a Congolese business may apply for the final homecoming certificate in order to have customs fees waived for the removal of his belongings"[translation]<sup>26</sup>.

#### 4.1. Voluntary return

##### 4.1.1. Organisation and Identification Procedure

On 10 December 2019, the IOM sent an email setting out the procedures for voluntary returns.

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<sup>22</sup> Verbauwheide G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>23</sup> IOM, email, 10/12/2019

<sup>24</sup> Chambre des représentants de Belgique, 14/04/2017, [url](#)

<sup>25</sup> Verbauwheide G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>26</sup> Embassy of the Democratic Republic of Congo in Benelux and the European Union, no date, [url](#)

"The person willing to return, will initially acquire all the information about the voluntary return program. Upon request, IOM can organise a skype session with the country of return (IOM colleagues on site). During a preparatory phase, IOM will, together with the returnee, discuss the possibilities after return and the type of support that the beneficiary is entitled to (this on a grid of categories provided by Fedasil). During the preparation before the return takes place, IOM assesses all elements that are important during and after travel. Meaning: travel documents, medical problems, family situation, reception in the country of return and reintegration plan.

Once everything is organized, the return can take place. IOM only provides assistance in the case of a voluntary return. The person is expected at the airport 3 hours before the flight, where he/she, accompanied by IOM, carries out all procedures like any other passenger (check-in, customs, etc). Since the person is traveling with IOM, and the return is therefore voluntary, there are no traces of forced repatriation in their passport.

During the journey, if desired and when available, IOM can assist during the necessary transfer. In addition, IOM can arrange transportation to the final destination. IOM cannot intervene during necessary checks at the airport.

After arrival the person has one month to contact the IOM office in the country of return. After this first contact the reintegration support can start"<sup>27</sup>.

The IOM also said that it never discloses to the embassies involved the fact that persons being returned may have applied for international protection in Belgium. It also says that the flights used are "commercial flights with different airlines. Beneficiaries travel as standard passengers"<sup>28</sup>.

#### 4.1.2. Figures

Cedoca contacted the Immigration Office and the IOM to obtain the number of voluntary returns carried out from Belgium to Kinshasa.

On 2 December 2019, the Immigration Office replied that there had been 16 assisted voluntary returns (including returns with reintegration support organised by the IOM or Caritas) between 1 January and 31 October 2019<sup>29</sup>.

In an email of 10 December 2019, the IOM stated that there were 12 voluntary returns between March and December 2019<sup>30</sup>.

## 4.2. Forced return

### 4.2.1. Organisation and Identification Procedure

When contacted by Cedoca on 2 December 2019, Geert Verbauwheide of the Immigration Office confirmed the points made in April 2019, namely that, when sending anyone not in possession of a Congolese passport back to Kinshasa, the Immigration Office contacts the national authorities. The central authorities of the DRC or the Congolese Embassy then issue a temporary pass under the MoU referred to above. He also declared that the Immigration Office never discloses to the embassies involved the fact that persons being returned may have applied for international protection in

<sup>27</sup> IOM, email, 10/12/2019

<sup>28</sup> IOM, email, 10/12/2019

<sup>29</sup> Verbauwheide G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>30</sup> IOM, email, 10/12/2019

Belgium<sup>31</sup>.

According to the same representative from the Immigration Office, there are several possible options for returning a Congolese national:

- commercial flights: direct flights between Brussels and Kinshasa (Brussels Airlines);
- flights specially organised with the European Border and Coast Guard Agency (FRONTEX)<sup>32</sup>.

The Immigration Office has no specific procedure. There may be individually-tailored, case-by-case support (for example, the provision of specific care, involving the accompaniment of a doctor, nurse, social worker, psychologist, a trusted person, etc)<sup>33</sup>.

#### 4.2.2. Figures

Geert Verbauwhede of the Immigration Office reported that there were 14 forced returns organised by the Immigration Office from Brussels to Kinshasa between 1 January and 31 October 2019 (all accompanied by an escort, three of them involving a secure FRONTEX flight)<sup>34</sup>.

## 5. Entry to the territory

The aim of this section is to assess the level of scrutiny applied by the authorities when controls are carried out on the return of a national, based on different identifiable factors: the travel documents (temporary pass or standard passport); return arrangements (with or without an escort, with or without reception by the IOM); compliance or non-compliance with the laws on migration, and the fact of returning home from Belgium.

Most of the information in this chapter comes from the COI Report published in June 2019, as the literature search did not generate much new evidence.

### 5.1. Authorities present

The website of the Department of Migration of the DRC provides information about the services present at borders:

"Decree-Law [sic] No 036/2002 of 28 March 2002 designating the public Services and Bodies which are empowered to operate at the borders of the Democratic Republic of Congo restrictively determines in a clear [sic] the services which are authorised to work at the borders of the DRC. They are: The Department of Migration (DGM); The Office of Customs and Excise (OFIDA) [now Department of Customs and Excise (DGDA) by decree of December 2009<sup>35</sup>]; The Congolese

<sup>31</sup> Verbauwhede G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, emails, 05/04/2019, 02/12/2019

<sup>32</sup> For more information, cf. FRONTEX [website], no date, [url](#)

<sup>33</sup> Verbauwhede G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, emails, 05/04/2019, 02/12/2019

<sup>34</sup> Verbauwhede G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>35</sup> The website for Kinshasa Airport ([url](#)) says that, especially when passengers arrive, the Department of Customs and Excise checks the goods they have to declare (objects bought/inherited abroad, bought duty free, currency in cash of more than \$5,000 US (or its equivalent in another currency)). For more information on the Department of Customs and Excise, cf. DGDA, no date, [url](#)

Control Office (O.C.C.)<sup>36</sup> ; the Public Health Service.

In addition to these four services, the newly created Central Directorate of Border Police of the Congolese National Police supports those four services and is responsible for the protection and physical surveillance of borders. Together, these five services, including licensees (ONATRA, RVA, SNCC, etc<sup>37</sup>) and the hidden services, are responsible for the full management of the borders in accordance with their specific roles"[translation]<sup>38</sup>.

The Department of Migration acts in the restricted zones of border crossings and customs posts, in particular in the following areas:

"Management of migration flows: Cross-border supervision, checking of travel documents; application and implementation of police enforcement measures on migrants.

Counterintelligence: Systematic collection of migrants' personal data; management of entry and exit bans; production of statistics on a migrant; surveillance of 'targeted' persons and strategic locations; fight against organised cross-border crimes"[translation]<sup>39</sup>.

According to the website of the Department of Migration, its roles are also as follows:

"The enforcement of the Government's immigration policy; the enforcement on Congolese territory of the laws and regulations on immigration and emigration; Immigration Police; Border Police understood as the regulation of entries to and exits from national territory; the issue of standard passports to nationals and visas to foreigners; collaboration in the search for criminals and miscreants or any suspected persons flagged by the International Criminal Police Organisation, INTERPOL. It should be noted, however, that standard passports are currently still issued by the Ministry for Foreign Affairs and International Co-operation"[translation]<sup>40</sup>.

The website of the Department of Migration also gives a description of the role of the Central Directorate of Border Police with the National Police. This is responsible for:

"The safety and maintenance of public order at border crossing points;  
overseeing borders to combat irregular migration and organised cross-border crimes;  
channelling migrants to official border crossing points;  
supporting all the other services in the event of problems with restoring public order;  
detecting ordinary offences"[translation]<sup>41</sup>.

The last report published by the United States Department of State (USDOS) in 2018 on human rights in the DRC mentions that the responsibility for Congolese borders (without specifying N'djili Airport) rests not only with the Department of Migration and the police but also with the Republican Guard under the auspices of the Presidency<sup>42</sup>.

Moreover, the Belgian Immigration Officer on duty in Kinshasa said that the National Intelligence Agency could also be present (information confirmed by email on 4 April 2019 by an adviser of the

<sup>36</sup> The OCC is a company which controls the quality, quantity and compliance of products throughout the territory of the DRC. For more information, cf. OCC [website], no date, [url](#)

<sup>37</sup> ONATRA = Office national des transports [National Transport Office], RVA = Régie des voies aériennes [Management of Air Routes], SNCC = Société nationale des chemins de fer du Congo [Congo National Railways Operator]

<sup>38</sup> DGM, 28/01/2018, [url](#)

<sup>39</sup> DGM, 28/01/2018, [url](#)

<sup>40</sup> DGM, 28/01/2018, [url](#)

<sup>41</sup> DGM, 28/01/2018, [url](#)

<sup>42</sup> USDOS, 13/03/2019, [url](#)

Immigration Office)<sup>43</sup>.

## 5.2. Procedure on arrival

In an email in December 2017, the Belgian Immigration Officer on duty in Kinshasa explained that, on arrival at N'djili/Kinshasa Airport, persons forcibly repatriated by Belgium are handed over to the Department of Migration to be identified. They may also be subjected to a second National Intelligence Agency control, but that is not always the case<sup>44</sup>.

At the time of monitoring the last FRONTEX flight (organised jointly by Germany, Switzerland, Austria, Hungary and the Netherlands) from Brussels to Kinshasa, which took place on 26 March 2019, the Immigration Officer explained on 1 April 2019 that only the Department of Migration had carried out controls, adding: "there was no National Intelligence Agency control and the Department of Migration told me that that's how it is for all returns"<sup>45</sup>. There have been no other organised and secure collective flights since that date<sup>46</sup>.

On 2 December 2019, Geert Verbauwheide, Adviser to the Immigration Office, confirmed the details previously sent in April 2019 regarding the types of control (control of documents, interviews, etc.) carried out by the Congolese authorities at the airport at the time of return:

"These are the controls for all returnees ('ordinary' passengers), but particularly people being repatriated by the Belgian authorities. Where airline flights are used, there are no extra interrogations when the repatriated person arrives. That does not necessarily mean the person may not be interrogated if he is sought by the Congolese authorities for reasons of public order. For special flights, there is always an extra interrogation by the Congolese intelligence services once the Migration Office has received the repatriated persons. That said, based on the monitorings made, we consider that that does not pose any risk, given that everyone repatriated by secure flight is released within the day"[translation]<sup>47</sup>.

## 5.3. Overview of reported problems

Catherine Ramos of the British non-governmental organisation (NGO) Justice First, author in 2011 and 2013 of the reports *Unsafe return I* and *Unsafe return II*, published an update in early 2019 entitled *Unsafe return III. Removals to the Democratic Republic of Congo 2015-2019*. She describes problems encountered at the time of repatriations of Congolese nationals from Great Britain to the DRC between 2012 and 2018. Catherine Ramos cites 17 case studies of people who experienced problems associated either with non-compliant or absent travel documents or with the requirement to pay a sum of money to leave N'djili Airport. She cites several cases of people subjected to interrogations, detentions and ill treatment, some in 2017 and 2018<sup>48</sup>.

Catherine Ramos is the only source to mention detentions and ill-treatment at the time of a forced repatriation of Congolese nationals (from Great Britain). The other consulted sources do not mention such problems.

<sup>43</sup> Smits K., Immigration Officer from the Immigration Office, email, 22/12/2017 ; Verbauwheide G., Adviser in the Identification and Removal Unit of the Interior Control Directorate of the Immigration Office, email, 05/04/2019

<sup>44</sup> Smits K., Immigration Officer from the Immigration Office, email, 22/12/2017

<sup>45</sup> Smits K., Immigration Officer from the Immigration Office, email, 01/04/2019

<sup>46</sup> Verbauwheide G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>47</sup> Verbauwheide G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, emails, 05/04/2019, 02/12/2019

<sup>48</sup> Ramos C., 03/2019, [url](#)

The report of the United States Department of State published in March 2019 devotes a chapter to freedom of movement and alludes in that chapter to border controls (generally and not specifically for repatriations of Congolese nationals from abroad to N'djili/Kinshasa):

« The SSF<sup>49</sup> and RMGs<sup>50</sup> established barriers and checkpoints on roads and at airports and markets, ostensibly for security reasons, and routinely harassed and extorted money from civilians for supposed violations, sometimes detaining them until they or a relative paid. The government required travellers to submit to control procedures at airports and ports during domestic travel and when entering and leaving towns"<sup>51</sup>.

When asked about possible problems which Congolese nationals may have encountered at the time of repatriations organised by Belgium in the past, Geert Verbauwhede from the Immigration Office replied on 2 December 2019 that there had not been any<sup>52</sup>. He had also explained in a previous reply in April 2019 that there was no specific factor affecting the reception they are given on their arrival (for example, the possession of a type of travel document - temporary pass or standard passport, the return arrangements - with or without escort, compliance with the applicable migration laws, or the fact that Belgium was the country they had come from)<sup>53</sup>.

The last repatriation of Congolese nationals from Brussels to Kinshasa took place on 26 March 2019 on a flight organised by FRONTEX<sup>54</sup>. The announcement of that collective repatriation was published on the website of the organisation Getting the Voice Out on 24 March 2019 (the website also mentions the return on this flight of Senegalese nationals), but the organisation did not publish any information on how the repatriation went or on the reception they were given in Kinshasa<sup>55</sup>. The immigration officer in charge of monitoring the reception in N'djili confirmed that there had been no problem on their arrival:

"After going through the Department of Migration procedures, they returned home [...] there was no National Intelligence Agency control"<sup>56</sup>.

Three human rights associations working in the DRC had been contacted at the time of the previous COI Report on this subject. Those associations asked for their names and personal details not to be disclosed. The associations are well known for their human rights activities in the DRC. They said that they had not logged any problems at the time of repatriations made by the Belgian authorities<sup>57</sup>.

In an email of 10 December 2019, the IOM says: "No returnee has yet had a problem with the national authorities at the time of his voluntary return"<sup>58</sup>.

During the literature search made in November and December 2019, Cedoca highlighted the case of a person arrested at N'djili Airport on his return from a trip to Belgium (so not as part of a voluntary or forced repatriation) because of his political profile<sup>59</sup>.

<sup>49</sup> SSF = state security forces

<sup>50</sup> RMGs = rebel and militia groups

<sup>51</sup> USDOS, 13/03/2019, [url](#)

<sup>52</sup> Verbauwhede G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>53</sup> Verbauwhede G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 05/04/2019

<sup>54</sup> Smits K., Immigration Officer from the Immigration Office, emails, 01/04/2019, 02/04/2019

<sup>55</sup> Getting the Voice Out, 24/03/2019, [url](#)

<sup>56</sup> Smits K., Immigration Officer for the Immigration Office, email, 01/04/2019

<sup>57</sup> See the COI Focus *DEMOCRATIC REPUBLIC OF CONGO. The treatment by national authorities of their citizens returning to Congo*, 16/06/2019

<sup>58</sup> IOM, email, 10/12/2019

<sup>59</sup> Congo Profond, 30/08/2019, [url](#) ; Bisonews, 28/08/2019, [url](#) ; 7sur7, 28/08/2019, [url](#) ; 7sur7, 03/09/2019, [url](#) ; Mediacongo, 09/10/2019, [url](#)

The report by the Dutch authorities, which appeared in December 2019, says about returning Congolese migrants:

"There is no evidence that migrants who are (forcibly) returning experience problems at the hands of the authorities on arrival. Some rejected asylum seekers from European countries might be sent back after arriving in Kinshasa. There is no evidence that people are being ill-treated on their return"[translation]<sup>60</sup>.

## 6. Monitoring on the territory

### 6.1. Support programmes

The Immigration Office does not know of specific support programmes adopted by national authorities on the territory for people returning home. The Immigration Office adviser says:

"There are assisted voluntary return programmes, which are generic for anyone who wants to receive support on return. For a forced return, '*special needs*' support may be provided where a person is vulnerable. The EU-funded ERRIN programme could also be used for both voluntary returns and forced returns"[translation]<sup>61</sup>.

The IOM also does not know of any specific support programmes adopted by national authorities on the territory for people returning<sup>62</sup>.

### 6.2. Overview of reported problems

This update did not produce any relevant details.

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<sup>60</sup> Ministerie van Buitenlandse Zaken (Nederland), 17/12/2019, [url](#)

<sup>61</sup> Verbauwheide G., Adviser to the Identification and Removal Unit of the Interior Control Department of the Immigration Office, email, 02/12/2019

<sup>62</sup> IOM, email, 10/12/2019

## Summary

The DRC has the world's third largest displaced population with 5.4 million persons, comprising 4.4 million internally displaced persons, 620,800 refugees and 136,400 applicants for international protection. The majority of DRC refugees were received by neighbouring countries (Uganda, Rwanda and Burundi).

At the present time, a Justice et Paix report estimates that about 80,000 Congolese nationals live in Belgium. The Congolese come to Belgium mainly to study, for family reasons and because of lasting conflicts in the DRC. In 2017, 2018 and 2019, Belgium ranked third in terms of the number of applications for international protection lodged in the European Union by Congolese nationals, after France and Greece.

Under the Kabila government, Belgium conducted campaigns in the RDC (since 2006) to prevent illegal immigration and discourage Congolese nationals from migrating and seeking international protection in Belgium. No such campaign has been organised since Felix Tshisekedi became President.

In terms of politics, relations were very strained between the two countries during the last years of the Kabila government. They have improved since the new President was sworn in at the start of 2019 and since his visit to Belgium in September 2019.

In 2006, a Memorandum of Understanding was agreed with the DRC to facilitate the return of rejected international protection seekers and illegal immigrants. According to the sources consulted, that agreement works very well in practice, and voluntary or forced returns from Belgium to the DRC have been organised for several years.

On arrival at N'djili Airport, everyone who has been forcibly returned to Kinshasa from Belgium is identified.

Catherine Ramos of the NGO Justice First is the only source to mention detentions and ill-treatment at the time of the forced repatriation of a Congolese national (coming from Great Britain). The other sources consulted do not mention such problems.

The organisation Getting the Voice Out published a statement at the time of the last collective repatriation, which was organised by Belgium to the DRC on 26 March 2019, but it does not provide any information about the reception given to Congolese nationals in their country of origin.

The report by the American Department of State says that controls take place at border posts, during which the persons (no specific profile given) can be harassed or be the victims of extortion (or detained until they pay up).

The other contacted sources (the Immigration Office, including the Immigration Officer on duty in Kinshasa and the Adviser to the Identification and Removal Unit of the Interior Control Department, and the International Organisation for Migration) do not flag up any problems encountered by voluntarily or forcibly repatriated Congolese nationals from Brussels to Kinshasa during the period under review.

Since the publication of the COI Report of June 2019, Cedoca has reported one issue of a person arrested in N'djili on his return from a stay in Belgium (and so not as part of a repatriation) because of his political profile.

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