

COI Focus

DEMOCRATIC REPUBLIC OF THE CONGO

The treatment of their nationals returning to the country by the national authorities

23 July 2021 (updated)

Cedoca

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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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List of acronyms used

AI	Amnesty International
ANR	National Intelligence Agency
DGM	Directorate-General for Migration
DPI	Applicant for international protection
DRC	Democratic Republic of the Congo
EU	European Union
FEDASIL	Federal Agency for the Reception of Asylum Seekers
HWR	Human Rights Watch
IOM	International Organization for Migration
IOM	International Organization for Migration
NGO	Non-governmental organization
OE	Aliens Office
UNHCR	United Nations High Commissioner for Refugees

Introduction

This report is an update of the COI Focus of the same name dated 7 June 2020 which covered the period from 1 January 2020 to 7 June 2021. It focuses on the attitude of the Congolese authorities towards their nationals who have returned after having left the country illegally and/or having lodged an application for international protection in Belgium and/or having stayed there.

This present update is limited to additional information provided by the International Organization for Migration (IOM) on 2 July 2021.

Return to the country of origin must be considered when the alien no longer meets the conditions required for his stay in Belgium. Such a return may be voluntary or forced. Voluntary return means that the decision to return rests with the foreigner who can either organize his own trip or benefit from a return programme coordinated by the Federal Agency for the Reception of Asylum Seekers (Fedasil) and organized by the International Organization for Migration (IOM) or the Aliens Office (OE)¹. On the other hand, return is forced when the person is returned to his or her country of origin by the host country, against his or her will. It is organized by the OE².

The report is divided into six parts. While the first retraces the current migratory context, the second focuses on the legislative framework applicable in this area. The third part deals with possible readmission agreements between Belgium and/or the European Union (EU) and the Democratic Republic of Congo (DRC). The fourth part concerns the types of return (voluntary and forced) implemented by the Belgian authorities. In the fifth part, Cedoca focuses on entry into the country by examining information on the authorities present, the procedure on arrival and any problems reported. The follow-up carried out by the authorities once the nationals are in the territory is the subject of the last part of this report.

This non-exhaustive report has been drafted on the basis of available public information.

Cedoca draws attention to the fact that the sources consulted do not always specify the type of return (voluntary or forced). Some information was also collected directly from actors involved in the organization of the return such as the OE and IOM.

Cedoca uses the term "asylum application/applicant" when referring to information prior to the new terminology dating from the entry into force in March 2018 of the law transposing into Belgian law the European Asylum Procedure Directive of 2013³.

¹ Fedasil, s.d., [URL](#)

² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures applicable in the Member States to the return of illegally staying third-country nationals has been transposed into Belgian law by three texts: 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 June 2012 amending the Royal Decree of 8 October 1981 on the access to the territory, residence, establishment and removal of foreigners and the Royal Decree of 20 July 2001 on the operation and staff of the General Inspectorate of the Federal Police and the local police in the context of the control of forced return.

³ CGRA, 21/03/2018, [URL](#)

1. Migration context

1.1. Migration flows

The report of the Office of the United Nations High Commissioner for Refugees (UNHCR) entitled *Global Trend. Forced Displacement in 2019* specifies that the first land of reception of the Congolese is the African continent⁴. The majority of the more than 900,000 refugees and IPRs from the DRC have been hosted by neighbouring countries (Uganda, Rwanda, Burundi, Tanzania, Zambia, etc.).⁵ In addition, the DRC is the country in Africa with the most internally displaced people with a total of nearly five million people at the end of 2019. In addition, more than two million displaced people returned to their places of origin in 2019 but remain in a concerning situation according to UNHCR, and more than 520,000 refugees from neighbouring countries⁶.

With regard to migration between the DRC and Belgium, in 2010 the Groupe d'étude de démographie appliquée (Université catholique de Louvain, UCL) and the Centre pour l'égalité des chances et la lutte contre le racisme examined the phenomenon of Congolese migration and its impact in Belgium. The study presents the historical and sociological contours of this migration and specifies in particular:

"It is also during this period [from the 80s] that the first significant flows of refugees appeared, a trend that marked the 90s and 2000s, with peaks in asylum applications submitted in 1992-93 and during the second Congo war, from 1998 to 2003. Congolese migration to Belgium has shifted from a strategy of movement, mainly of students, to a strategy of settlement motivated by requests for international protection and family reunification. Between the beginning of the 60s and the end of the 80s, in fact, we could see a significant number of Congolese returning to their country. From the 90s, these returns are severely limited, and Congolese migrants are more in a logic of settlement and long-term migration »⁷.

A report published in February 2019 by Justice et Paix looked at the root causes of Congolese migration in Belgium:

"[...] it is estimated that only about 80,000 Congolese live in Belgium. The main reasons for migration put forward by these people are studies and family reasons (+/-30%) and conflicts (+/-25%). [...] this figure remains relatively low. This can be explained by the difficulties and the high cost of such a trip, thus reserving this 'privilege' for people from the upper middle class, or even from wealthy backgrounds. The possibility of migrating to Europe is far from the reality of thousands of other Congolese who are forced into exile in their own country or region[sic]"⁸.

The period covered by this update has been marked by a significant decrease in migration flows due to the COVID-19 pandemic.

⁴ An IOM study on migration in West and Central Africa (Regional Overview 2009) already mentioned at the time that the main destinations for Congolese emigrants are 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%). After these countries, Belgium has the highest number of Congolese emigrants (6.1%) and then in France (3.3%). cf. IOM, 2011, [URL](#)

⁵ UNHCR, 06/03/2020, [URL](#)

⁶ UNHCR, s.d., [URL](#)

⁷ European Migration Network, s.d., [URL](#). For more details on this study, see. Groupe d'étude de démographie appliquée (UCL), Centre for Equal Opportunities and Action to Combat Racism (Schoonvaere Q.), 2010, [URL](#)

⁸ Justice et Paix, 02/2019, [URL](#)

1.2. Relations with Belgium

With regard to migration, since 2006 several campaigns have been conducted in the DRC by Belgium in partnership with the Congolese government (under the presidency of Joseph Kabila) in the field of immigration prevention, in particular through travelling plays or broadcasts on television channels.⁹ Such campaigns have not been organized since the arrival of Félix Tshisekedi as President of the DRC¹⁰.

On the political level, relations between Belgium and the DRC were quite tense in the last years of Joseph Kabila's presidency.¹¹ (suspension of bilateral cooperation between the two countries¹², closure at the beginning of 2018 of the Belgian Consulate General in Lubumbashi, cessation of the activities of the development agency Enabel¹³, closure of the Schengen House which served as a European Consulate in Kinshasa¹⁴, reduction of the frequency of Brussels Airlines routes between Brussels and Kinshasa¹⁵).

Since the swearing-in of Félix Tshisekedi as President at the beginning of 2019, relations between the two countries have improved, notably with the resumption of the frequency of Brussels Airlines flights and the reopening of the Schengen House.¹⁶ President Tshisekedi carried out an official visit to Belgium in September 2019 which, apart from a few protests by the Congolese diaspora, went well.¹⁷ On this occasion, President Tshisekedi called on the diaspora to return home¹⁸. In 2020, bilateral cooperation with Belgium resumed in several areas and both countries welcomed the positive developments in their relations¹⁹.

2. Legislative framework on migration

The DRC ratified on 1 November 1976 the International Covenant on Civil and Political Rights (ICCPR), which enshrines in article 12 the right to freedom to leave and return to one's country²⁰.

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

"Everyone in the national territory has the right to move freely, to establish his residence, to leave it and to return to it, under the conditions established by law. No Congolese may be expelled from the territory of the Republic, forced into exile or forced to live outside his habitual residence."²¹

Cedoca did not find any information in Congolese legislation related to illegally departing from the country, lodging an application for international protection abroad or staying abroad. Cedoca asked the OE about this on 8 April 2021 which replied on the same day that it was not aware of such

⁹ Pécoud A., n.d., [URL](#) ; Congo One, 21/05/2006, [URL](#) ; The Potential via AllAfrica, 19/07/2006, [URL](#) ; Lubumbashi University (Tshibambe G. N., Kabunda G. M.) via IMI, 08/2010, [URL](#)

¹⁰ OE, email, 10/12/2019

¹¹ An article in Jeune Afrique specifies some elements that were at the origin of these tensions. cf. Jeune Afrique, 16/11/2017, [URL](#)

¹² Congocurrent, 19/04/2018, [URL](#)

¹³ Enabel [website], n.d., [URL](#)

¹⁴ Le Vif, 28/09/2018, [URL](#)

¹⁵ L'Echo, 22/02/2019, [URL](#)

¹⁶ L'Echo, 22/02/2019, [URL](#); DigitalCongo, 07/03/2019, [URL](#); Times, 02/2019, [URL](#)

¹⁷ Dialogue magazine included in its issue of 22 September 2019 numerous articles on the visit of President Tshisekedi. cf. Dialogue review via CongoForum, 22/09/2019, [URL](#); Le Soir, 17/09/2019, [URL](#)

¹⁸ CAS-INFO.CA, 19/09/2019, [URL](#); RTBF, 18/09/2019, [URL](#)

¹⁹ La Libre Afrique, 21/01/2021, [URL](#)

²⁰ Online memory (Kandolo On'Ufuku wa Kandolo P. F.), 2005, [URL](#)

²¹ Official Journal of the Democratic Republic of the Congo, 18/02/2006, [URL](#)

legislation in the DRC²². The IOM had indicated to Cedoca in December 2019 that it was not aware of any legislation in the DRC that would condemn the fact of leaving the country illegally and/or lodging an application for international protection²³.

3. Readmission agreements

On 9 September 2016, MP Denis Ducarme asked the following parliamentary question (among other questions related to the return to the DRC and Guinea): "Are the readmission agreements signed with these two countries working properly in the context of the return of their nationals? ». The Secretary of State for Asylum and Migration, in charge of administrative simplification, deputy to the Minister of Security and the Interior, replied on 10 April 2017:

"In 2006, a Memorandum of Understanding (MoU) was concluded. with the Democratic Republic of the Congo (DRC) to facilitate the return of rejected asylum seekers and illegal immigrants. In practice, this agreement works very well"²⁴.

As of April 8, 2021, the OE confirmed this information:

"There is no readmission agreement. There is a 'memorandum of understanding' [which covers several aspects of migration cooperation and contains an identification and removal procedure] but this document is confidential. The content of this document may be communicated only if the Congolese and Belgian authorities authorise it, in accordance with the provisions of Article 6, § 1, 3° of the Law of 11 April 1994 on the publicity of the administration»²⁵.

4. Types of return

4.1. Voluntary return

4.1.1. Organization and procedure for identification

IOM communicated in an email dated 10 December 2019 the procedure put in place for voluntary returns:

"The person willing to return, will initially acquire all the information about the voluntary return program. Upon request, IOM [International Organization for Migration] can organize 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,

²² OE, email, 08/04/2021

²³ IOM, email, 10/12/2019

²⁴ Belgian Chamber of Representatives, 14/04/2017, [URL](#)

²⁵ OE, email, 08/04/2021

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 start²⁶.

IOM also specified in July 2021 that it never communicated to the embassies concerned that the returnees may have applied for international protection in Belgium. It also states that flights are made via "commercial flights with different airlines. Beneficiaries travel as standard passengers"²⁷.

4.1.2. Figures

Cedoca contacted OE and IOM to find out the number of voluntary returns made from Belgium to Kinshasa.

The OE responded on 8 April 2021 that there had been nineteen assisted voluntary returns in 2020 and eight in 2021 (as of February 28)²⁸.

IOM responded in July 2021 that there had been 19 returns in 2020 and 14 between January and June 2021²⁹.

4.2. Forced return

4.2.1. Organization and procedure for identification

Contacted by Cedoca on 8 April 2021, the OE confirms the comments made in April and December 2019, namely that when preparing to return to Kinshasa a person who is not in possession of a Congolese passport, the OE contacts the national authorities. It is the central authorities of the DRC or the Congolese Embassy that issue a pass under the above-mentioned MoU. It also stated that the OE never communicates to the embassies concerned the fact that the returnees may have applied for international protection in Belgium.³⁰

According to the OE, there are several possibilities for the return of a Congolese person:

- Commercial flights: direct flights between Brussels and Kinshasa (Brussels Airlines);
- Special flights, for which an aircraft is chartered via the Federal Public Service National Defence³¹.

In 2019, the OE had specified that it did not have a specific procedure. There may be individualized assistance adapted case by case (e.g. by providing special care, through accompaniment by a doctor, a nurse, a social worker, a psychologist, a trusted person, etc.)³².

²⁶ IOM, email, 10/12/2019

²⁷ IOM, email, 02/07/2021

²⁸ OE, email, 08/04/2021

²⁹ IOM, email, 02/07/2021

³⁰ OE, emails, 05/04/2019, 02/12/2019, 08/04/2021

³¹ OE, email, 08/04/2021

³² OE, emails, 05/04/2019, 02/12/2019

4.2.2. Figures

The OE stated it had carried out eight forced returns from Brussels to Kinshasa during 2020: five non-escorted and three escorted (including two by special flight organised by Belgium).

Between 1 January and 31 March 2021, only one forced return (not escorted) took place³³.

On 10 April 2021, one person was repatriated by regular Brussels Airlines flight, with escort. This individual was identified as "special needs" but refused the medical aid organized by the OE on arrival in Kinshasa and left the airport alone, of his own free will³⁴.

On 2 June 2021, five people were repatriated by Frontex flight organised by Belgium. No problems were reported by the OE representative present on arrival in Kinshasa³⁵.

5. Entry

The aim of this section is to assess the degree of attention that a national receives from the authorities during the checks carried out on his return, according to various identifiable factors: travel documents (laissez-passer or ordinary passport), the return system (with or without escort, with or without IOM reception), compliance or non-compliance with applicable migration legislation or the fact of returning from Belgium.

Most of the information in this chapter comes from the previous COI Focus published in June 2019, as the documentary search for this update yielded little new information.

5.1. Authorities present

The website of the Directorate General of Migration (DGM) of the DRC provides information on the services present at the borders:

"The decree-Law [sic] No. 036/2002 of 28 March 2002 designating the Services and Public Bodies authorized to exercise their duties on the borders of the Democratic Republic of Congo, determines clearly the services authorized to work on the borders of the DRC. These are:

The Directorate General of Migration (DGM); The Customs and Excise Office (OFIDA) (now The Directorate General of Duties and Excise (DGDA) by decree in December 2009³⁶]; The Congolese Control Office (OCC)³⁷; The Public Health Service.

In addition to these four services, there is also the newly created Central Directorate of the Border Police of the Congolese National Police, which supports these four services and ensures the protection and physical surveillance of the borders. Together, these five services, including dealers (ONATRA, RVA, SNCC, etc.³⁸) and non-visible services, ensure integrated border management in accordance with their specific tasks"³⁹.

³³ OE, email, 08/04/2021

³⁴ OE, email, 07/05/2021

³⁵ OE, email, 07/05/2021

³⁶ The Kinshasa airport website ([URL](#)) specifies that the DGDA checks in particular the goods that passengers must declare on arrival (items purchased/inherited abroad, purchased duty free, cash currencies exceeding US\$5,000 (or their equivalent in another currency). For more information on DGDA, see para. DGDA, s.d., [URL](#)

³⁷ The OCC is a company that monitors the quality, quantity and conformity of products throughout the DRC. For more information, see. OCC [website], n.d., [URL](#)

³⁸ ONATRA = Office national des transports, RVA = Régie des voies aériennes, SNCC = Société nationale des chemins de fer du Congo

³⁹ DGM, 28/01/2018, [URL](#)

The DGM intervenes at borders and border crossings, in particular in the following areas:

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

Counter Intelligence: Systematic collection of migrants' personal data; Management of entry and exit bans; Development of statistics on migrants; Monitoring of 'target' people and strategic locations; Fight against cross-border organised crime [sic]"⁴⁰.

Also according to the DGM's website, its missions are as follows:

"The implementation of the Government's immigration policy; The enforcement on Congolese soil of laws and regulations on immigration and emigration; The Foreign Citizens Police; The Border Police understood as the regulation of entry and exit from the national territory; The issuance of ordinary passports to nationals and visas to foreigners; Collaboration in the search for criminals or suspects reported by the International Criminal Police Organization Interpol. However, it should be noted that to this day, the ordinary passport is still issued by the Ministry of Foreign Affairs and International Cooperation [sic]"⁴¹.

The DGM website also describes the role of the Central Directorate of Border Police in the National Police. It ensures:

"Security and the maintenance of law and order at border crossing points; Physical border surveillance to combat irregular migration phenomena and organised cross-border crimes [sic];

Channelling migrants to official border crossing points;

Support to all other services in the event of problems to restore law and order;

The search for ordinary offences"⁴².

In addition, the Belgian immigration officer stationed in Kinshasa specified that the services of the National Intelligence Agency (ANR) could also be present (information confirmed by email on April 4, 2019 by an OE official)⁴³.

5.2. Procedure on arrival

The Belgian immigration officer stationed in Kinshasa explained in an email in December 2017 that people forcibly repatriated from Belgium are handed over to the DGM on arrival at Ndjili/Kinshasa airport for identification purposes. They may undergo a second check with the ANR, but this is not always the case⁴⁴.

During the monitoring of the last Frontex flight (organised jointly with Germany, Switzerland, Austria, Hungary and the Netherlands) from Brussels to Kinshasa which took place on March 26, 2019, the immigration officer explained on 1 March April 2019 that only the services of the DGM had carried out checks, specifying this: "there was no ANR check and the DGM told me that it will be so for all returns"⁴⁵. There have been no other collective and secure flights organized since that date⁴⁶.

⁴⁰ DGM, 28/01/2018, [URL](#)

⁴¹ DGM, 28/01/2018, [URL](#)

⁴² DGM, 28/01/2018, [URL](#)

⁴³ OE, email, 22/12/2017; OE, email, 05/04/2019

⁴⁴ OE, email, 22/12/2017

⁴⁵ OE, email, 01/04/2019

⁴⁶ OE, email, 02/12/2019

On 2 December 2019, the OE confirmed the details previously communicated in April 2019 concerning the types of controls (documents checks, interviews, etc.) carried out by the Congolese authorities at the airport upon return:

"These are checks for all returnees ('ordinary' passengers) but also in particular for people repatriated by the Belgian authorities. In the case of airline flights, there shall be no additional questioning upon the arrival of the repatriated person. This does not exclude that the person may be subjected to questioning if he is wanted by the Congolese authorities for reasons of a public order nature. In the event of special flights, there will always be additional questioning by the Congolese Intelligence Services (ANR), after the Migration Services (DGM) have received the returnees. That said, on the basis of the monitoring carried out, we consider that this does not pose any risk since any person repatriated by secure flight is released [sic] within the day"⁴⁷.

On April 8, 2021, the OE provided the following clarifications:

"Anyone who is forced back is interviewed by the DGM upon arrival – this is a routine procedure. After the interview, the persons concerned can leave and return home"⁴⁸.

5.3. Overview of reported issues

Three human rights associations active in the DRC were contacted during research for the previous COI Focus on this subject. These associations requested that their names and contact details not be made public. They are renowned NGOs active in the field of human rights in the DRC. They had indicated that they had not recorded any problems relating to the repatriations carried out by the Belgian authorities.⁴⁹

According to a report on rejected Congolese international protection applicants published in January 2020 by the British Home Office, the Canadian, British, German and Dutch embassies in Kinshasa were not aware, in June 2019, of problems affecting Congolese nationals repatriated by the authorities of these countries. IOM's representative in Kinshasa told the UK authorities in June 2019 that he was aware of only one case where a returnee had "problems": a returnee from Belgium who was taken away for questioning because his pass mentioned links with the ANR. The report does not contain any further details on the status of this person or on the date of these events.⁵⁰

The report of the Dutch authorities published in December 2019 indicates concerning the return of Congolese migrants:

«Er zijn geen aanwijzingen dat migranten die (gedwongen) terugkeren bij aankomst door de autoriteiten problemen krijgen. Wel zouden enkele afgewezen asielzoekers uit Europese landen na aankomst in Kinshasa zijn teruggestuurd. Er zijn geen aanwijzingen dat personen bij terugkeer zijn mishandeld »⁵¹.

The website Getting the Voice Out, which aims in particular to publicize the "conditions of confinement and expulsion" of persons detained in "closed centres for foreigners", reported on the forced return of a Congolese national by special flight in December 2020. Information on the website indicates that this person arrived in Kinshasa but does not report any problems on arrival⁵².

⁴⁷ OE, emails, 05/04/2019, 02/12/2019

⁴⁸ OE, email, 08/04/2021

⁴⁹ See the IOC Focus *DEMOCRATIC REPUBLIC OF THE CONGO. The treatment of their nationals returning to the country by the national authorities*, 16/06/2019

⁵⁰ Home Office, 2020-01, [URL](#)

⁵¹ Ministerie van Buitenlandse Zaken (Nederland), 17/12/2019, [URL](#)

⁵² Getting the Voice Out, 16/12/2020, [URL](#)

Asked about possible problems encountered by Congolese nationals during repatriations organised by Belgium or about particular factors affecting the reception they receive on arrival (e.g. possession of a type of travel document – laissez-passer or ordinary passport – , the return system – with or without escort – , compliance with applicable migration laws, the fact that Belgium is the country of provenance), the OE replied on 8 April 7 and June 2021 not to be aware of such problems and that its representative in Kinshasa did not record any problems during arrivals in Kinshasa⁵³.

The IOM stated in an email of 10 December 2019: "So far no returnee has had any problem with the national authorities during his voluntary return"⁵⁴. The IOM did not respond to Cedoca's questions regarding the period covered by this update.

On 3 May 2021, Cedoca contacted the Bill Clinton Foundation for Peace (FBCP), a Human Rights NGO based in Kinshasa. Its president Emmanuel Cole said his organization conducts monitoring of returnee arrivals at Ndjili airport. He claims that since the change of regime, persons whose asylum has been rejected and repatriated to the DRC no longer have problems upon arrival. Unlike during the previous regime, there are no more cases of arrests by the ANR of returnees and there is no one belonging to this category in Kinshasa's places of detention.⁵⁵

No international report consulted by Cedoca on the human rights situation in the DRC in 2020 mentions any problems encountered at the airport by Congolese nationals in the cases described above (these include the annual reports of Amnesty International (AI), Human Rights Watch (HRW) and the US Department of State).

6. Monitoring on the territory

6.1. Support programmes

The OE is not aware of any specific support programme set up by the national authorities of the DRC for persons returning to the country. The OE states:

"There are no specific support programmes for Congolese nationals. However, they can benefit – if they wish – from voluntary return assistance possibly accompanied by a reintegration project (REAB programme financed by Fedasil and implemented by IOM or Caritas International). In the context of the forced return of persons with assistance requirements (medical, psychological, housing, etc.), we can also provide assistance paid for by the Office des Etrangers ('special needs')"⁵⁶.

The IOM was not aware of any specific support programmes put in place by national authorities for returning persons as of December 2019⁵⁷. The IOM did not respond to Cedoca's questions regarding the period covered by this update.

⁵³ OE, email, 08/04/2021

⁵⁴ IOM, email, 10/12/2019

⁵⁵ Cole E., President of the FBCP, telephone interview, 03/05/2021

⁵⁶ OE, email, 08/04/2021

⁵⁷ IOM, email, 10/12/2019

6.2. Overview of reported issues

No international report consulted by Cedoca on the human rights situation in the DRC in 2020 mentions any problems encountered in the territory by Congolese nationals following repatriation in the cases described above (these include the annual reports of AI, HRW and the US State Department).

Summary

The Democratic Republic of Congo (DRC) is ranked first African country in terms of displacement with more than five million internally displaced people, a further two million internally displaced people who returned to their places of origin in 2019 and nearly 520,800 refugees from neighbouring countries. The majority of the DRC's more than 900,000 refugees and international protection seekers (IPRs) have been hosted by neighbouring countries.

A 2019 Justice et Paix report estimated that about 80,000 Congolese live in Belgium. The Congolese come to Belgium mainly for studies, family reasons and because of the ongoing conflicts in the DRC. In 2020 and 2021, migratory movements decreased sharply due to the COVID-19 pandemic.

Under the Kabila government, Belgium conducted prevention campaigns in the DRC against illegal immigration (since 2006) to discourage Congolese from migrating and seeking international protection in Belgium. There has been no such campaign since Felix Tshisekedi took over the presidency.

Politically, relations between the two countries were very tense during the last years of the Kabila government. They have improved significantly since the swearing-in of the new President in early 2019 and the latter's visit to Belgium in September 2019.

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

Upon arrival at Ndjili airport, persons forcibly returned to Kinshasa from Belgium are identified. The authorities present at the airport are the Directorate-General for Migration (DGM), the National Police, the Border Police and the National Intelligence Agency (ANR).

The sources consulted did not report any problems encountered by Congolese nationals repatriated voluntarily or forcibly from Brussels to Kinshasa during the period covered by this update.

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