

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

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Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

10 July 2017

### **COD105818.FE**

Democratic Republic of Congo: Situation of people returning to the country after they either spent time abroad, claimed refugee status, or were seeking asylum (2015-July 2017)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Current information about the situation of people returning to the Democratic Republic of the Congo (DRC) was scarce among the sources consulted by the Research Directorate.

#### **1. Treatment of People Returning to the DRC**

A document published in May 2015 by the International Refugee Rights Initiative (IRRI), an NGO that works to address the causes of conflict-related displacement and ensure respect for the rights of those forced to leave their homes (IRRI 2011) by providing research data on the risks faced by failed refugee claimants in 22 countries, includes the DRC in the list of countries where the practices of the authorities create "return-related risks" (IRRI May 2015, 4).

On the basis of information obtained on 10 December 2014, the September 2015 *Country Information and Guidance* of the UK Home Office cites a Kinshasa-based human rights organization as stating that the Congolese who return to the DRC are met by the Migration Directorate (Direction générale de migration, DGM) and interviewed by the DGM and the National Intelligence Agency (Agence nationale de renseignements, ANR) (UK Sept. 2015, 44). According to the same organization quoted by this source, the returnees interviewed by the authorities reported that they were questioned as to what they were doing when they were overseas, how long they were overseas, and why they were expelled from that country (UK Sept. 2015, 44-45). The same source indicates that DGM and ANR officers "on occasion" will ask them for money or clothing (UK Sept. 2015, 44-45). Similarly, a 2 June 2015 ruling by the UK Upper Tribunal of the Immigration and Asylum Chamber quotes the 13 February 2015 expert opinion prepared by Amnesty International for the case, which states the following:

A person is likely to be interviewed by immigration officials on return [to the DRC]. ... [I]n view of the level of corruption and arbitrary conduct [of the Congolese authorities] ..., Amnesty considers there to be a possibility that a person may be detained and/or potentially mistreated in such a context, either for the private gain of the officers concerned or as part of the authority's wider law enforcement or political agenda. (UK 2 June 2015, para. 24-27).

The September 2015 UK Home Office *Country Guidance* indicates that an official source at the Belgian embassy in Kinshasa, who monitored the repatriation of 23 Congolese from Belgium and deals with migration issues in the DRC, stated on 18 November 2014 that the DRC authorities are not interested in people involved in "low level" political activities, but rather in a group described by the source as "combatants", that is to say a Congolese diaspora movement active in Belgium, France, and the UK (UK September 2015, 41). Corroborating

information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

## 1. 1 Refugees and Failed Refugee Claimants Who Return to the DRC

A February 2014 article in *The Observer*, a weekly newspaper published by the Guardian Media Group (*The Guardian* 6 June 2002), reports that a "top secret" document from the DRC Ministry of the Interior and circulated to senior officials in the ANR, the police and the DGM "instructs" security chiefs to track down and arrest opponents of the government, including members of the main opposition party, Union for Democracy and Social Progress (Union pour la démocratie et le progrès social, UDPS), and suggests torture could be used with "discretion" (*The Observer* 15 Feb. 2014). The same source reports that emphasis is placed on targeting political activists living in the UK and other parts of Europe who are deported to Kinshasa (*The Observer* 15 Feb. 2014). According to the same source, the document states, "Above all, be on the lookout for the return to the country (of combatants) by *refoulement*' (a term referring to the expulsion of persons who have the rights to be recognised as refugees)" (*The Observer* 15 Feb. 2014). The article continues:

The document then states: "The treatment reserved for these people is clear: torture and other things must be done with the greatest discretion. These orders must be carried out flawlessly."

...

The document passed to the *Observer* urges police, immigration and secret service officials to be on the lookout for asylum seekers who have been forcibly returned at the different border posts in Kinshasa, including Ndjili airport, Ngobila Beach on the border between Congo and Congo Brazzaville, and other secret entry points along the river which borders the two countries. (*The Observer* 15 Feb. 2014)

*The Observer* considers this document as "apparent confirmation that returnees from the UK could be tortured" (*The Observer* 15 Feb. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

*Jeune Afrique* reports that three Congolese who claimed refugee protection in the Netherlands and were deported to the DRC were [translation] "taken into custody" by the police upon their arrival in the DRC on 7 July 2014, and taken to the Ndolo military prison even though the Dutch justices "deemed that the DRC had provided adequate guarantees as to their safety" (*Jeune Afrique* 7 July 2014). The same source states that the three Congolese citizens [translation] "feared for their lives after incriminating the President of the DRC, Joseph Kabila, with their testimony" at the International Criminal Court in 2011 (*Jeune Afrique* 7 July 2014). According to the same source, the Congolese authorities stated that [translation] "the three men have nothing to fear in their own country" (*Jeune Afrique* 7 July 2014).

A March 2015 article in *La Presse* reports that the President of the Congolese Community of Montreal (Communauté congolaise de Montréal) stated that he had not heard from a Congolese man [translation] "deported" to the DRC who was arrested "as soon as he arrived at Kinshasa airport" and then incarcerated (*La Presse* 26 Mar. 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

*The Guardian*. 6 June 2002. "[History of the Observer](#)." [Accessed 28 June 2017]

International Refugee Rights Initiative (IRRI). May 2015. Maybritt Jill Alpes, Charlotte Blondel, Marie Conciatori, Nausicaa Preiss, Meritxell Sayos Monras, Suzanne Seiller, Janine Uhlmannsiek. "[Post-Deportation Risks: Criminalized Departure and Risks for Returnees in Countries of Origin](#)." [Accessed 19 June 2017]

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*Jeune Afrique*. 7 July 2014. "Justice internationale - CPI : trois témoins du procès de Germain Katanga expulsés vers la RDC." (Factiva) [Accessed 21 June 2017]

*The Observer*. 15 February 2015. Diane Taylor and Mark Townsend. "[Congolese Asylum Seekers Face 'Torture with Discretion' After Removal from UK](#)." [Accessed 21 June 2017]

*La Presse*. 26 March 2015. Gabrielle Duchaine. "[Si je rentre au Congo, on m'envoie à la mort.](#)" [Accessed 19 June 2017]

United Kingdom (UK). September 2015. Home Office. [Country Information and Guidance. Democratic Republic of Congo: Treatment on Return.](#) [Accessed 20 June 2017]

United Kingdom (UK). 2 June 2015. Upper Tribunal. Immigration and Asylum Chamber. [BM and Others \(Returnees - Criminal and Non-criminal\).](#) [Accessed 27 June 2016]

## Additional Sources Consulted

**Oral sources:** Les amis de Nelson Mandela pour la défense des droits humains; Association africaine de défense des droits de l'homme; International Organization for Migration; researcher specializing in migration to the DRC.

**Internet sites, including:** Amnesty International; ecoi.net; Electronic Immigration Network; Forced Migration Review; Freedom House; Human Rights Watch; Internal Displacement Monitoring Centre; International Refugee Rights Initiative; *Le Phare*; *Le Potentiel*; Radio Okapi; United Nations – Refworld, High Commissioner for Refugees; United States – Department of State.

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