

Congo, Democratic Republic of [Kinshasa, former Zaire]

Response to Information Request Number:	DRC01005.ZAR
Date:	September 21, 2001
Subject:	Congo, Democratic Republic of [Kinshasa, former Zaire] (DRC): Information on the Role of the Immigration Services in Security Functions in the DRC and Control of Migration by DRC Immigration Service
From:	INS Resource Information Center
Keywords:	Democratic Republic of Congo / Emigration / Freedom of movement / Illegal immigration / Immigration Policy / Right to leave and return to one's country / Right to a passport / Travel documents / Security forces / Zaire

Query:

- 1) Is the immigration service/department in the Democratic Republic of Congo (DRC) separate from any police or security functions?
- 2) Is it likely that someone who is under investigation by the military and/or security forces could get a passport and leave the country unhindered?

Response:

- 1) IS THE IMMIGRATION SERVICE/DEPARTMENT IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC) SEPARATE FROM ANY POLICE OR SECURITY FUNCTIONS?

According to the U.S. State Department's year 2000 report on human rights for the Democratic Republic of Congo (DRC), "the immigration service, Direction General de Migration (DGM), the Autodefense Forces (FAP), and CPP's [People's Power Committees] also functioned as security forces" (U.S. DOS Feb. 2001). The DGM appears to have worked closely with other security forces to prevent journalists and opposition political figures from leaving the country. For example:

"[Modeste] Mutinga editor of the independent weekly Le Potentiel, had his passport and other travel documents confiscated by agents of the Congolese immigration services (DGM) as he waited at Kinshasa-Ndjili airport to board a plane bound for the United Kingdom and Canada" (CPJ 2000).

"Mutinga had already completed all boarding formalities when officials told him that he could not leave the country without high-level authorization from DGM. He was asked to postpone his flight by one day" (CPJ 2000).

"Mutinga came back to the airport the next day. Having cleared all DGM formalities and received permission to board, the journalist was apprehended by agents from the National Information Agency (ANR). The ANR agents seized all Mutinga's travel documents and told him that he could not travel without authorization from ANR headquarters" (CPJ 2000).

Similarly, in January 2000, according to the State Department:

"Immigration officials prevented FONUS [New Forces for Unity and Social Progress] opposition leader Joseph Olenghankoy from traveling abroad. The Government gave no explanation for its actions. On March 8, immigration security agents again detained Olenghankoy as he attempted to depart Kinshasa for Brazzaville, Republic of the Congo. Immigration officials confiscated all of his documents and prevented him from leaving the country" (U.S. DOS Feb. 2001).

In another case, in the province of Lower Congo (Bas-Congo):

"Mmes. Time Missine and Betshi Pitchal were detained on 7 February and taken to Kinshasa by members of the DGM who reproached them for having publications and reports of Congolese non-governmental human rights organizations in their possession" (ASADHO 2000).

Another report highlights the role of the immigration service in security functions:

"In Kasai Occidental, agents of the ANR [National Intelligence Agency], the DGM, and the FAC [Congolese Armed Forces] are found in investigations to be the principal source of insecurity... Barriers are erected everywhere and special tribunals judge all sorts of real and supposed offences" (CNPD Sept. 2000).

2) IS IT LIKELY THAT SOMEONE WHO IS UNDER INVESTIGATION BY THE MILITARY AND/OR SECURITY FORCES COULD GET A PASSPORT AND LEAVE THE COUNTRY UNHINDERED?

It would appear to be difficult for a person under investigation by the military or security forces to get a passport and leave the country unhindered. According to an investigation carried out by a mission from the Danish Immigration Service, a passport applicant has to appear in person and produce three passport photographs, a certificate of nationality, a photocopy of his/her identity card, a declaration from employer or educational institution, spouse's permission (in the case of female applicants), and father's permission and confirmation of school attendance for those under eighteen years. The applicant must also produce an extract of his/her police record, and applicants are fingerprinted (DIS Jan. 2000).

According to the Danish Immigration Service report:

"The application, with all the documents mentioned above, is submitted to the DGM, which registers both the application form and the accompanying documents. Then the whole file is sent on to a "control/verification" office in the Ministry of Internal Affairs. The application with accompanying documents is then returned to the DGM, which enters all the documents in the case on computer, whereupon the file is again returned to the control/verification office in the Ministry of Internal Affairs. If there are no circumstances preventing the issue of a passport to the applicant, the Ministry of Internal Affairs will then issue the passport" (DIS Jan. 2000).

An application for a passport can be declined on political grounds; to those with a court case pending against them; and to those whose Congolese citizenship has been impossible to confirm. Representatives of the DGM confirmed to the Danish mission that given the extent of the DRC's frontiers it would be possible for a person to leave the country illegally. However,

"[T]he DGM believed that illegal departure from the DRC via Njili airport in Kinshasa would be particularly difficult. It was very unlikely that it would be possible to get out by bribery. However, there were examples of people trying to travel on forged or altered documents" (DIS Jan. 2000).

Up until March 1999 departure was only possible with an exit permit from the authorities, but since that date departing Congolese citizens just receive an exit stamp on their passports.

"The delegation observed for itself that pre-departure checks at Njili airport in Kinshasa are relatively strict. After a preliminary check at the entrance to the departure hall, at which passports and tickets are shown, there were two further passport checks before reaching the actual check-in desks" (DIS Jan. 2000).

"The delegation was then taken to a waiting room, which is the departure lounge for diplomats. Another check on tickets and passports was carried out here before the delegation could board the flight" (DIS Jan. 2000).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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