



## Migration Profile

### DEMOCRATIC REPUBLIC OF CONGO

#### A. Executive Summary

The population in the Democratic Republic of the Congo (DRC) has been rising over the past several decades, but the migrant population portion has fluctuated. For example, in 2010 the migrant population was 589,000, and not even a decade later, in 2019, the migrant population was 963,800. In times of conflict, violence, and political instability the country does not attract working migrants; in calmer times, the numbers begin to rise again. Angola, Burundi, the Central African Republic, and Rwanda have been the top source countries for immigrants flooding into the DRC over recent decades, particularly as a result of conflict. Although almost 1 million migrants reside in the DRC, the overall migrant population represents just over 1 percent of the total population.

The main reason for migration into the DRC is political unrest in neighbouring countries. Despite its poor economic system and violent conditions, the DRC remains a refuge for asylum seekers because of its geographical location. The most relevant instance of migrant intake dates back to 1994 when the Rwandan Civil War and genocide resulted in more than 1.7 million people crossing the Congolese border. In times of national strife, the DRC often accepts thousands of people, only to see those people move on to other countries after failing to find residence because of poor economic conditions.

Despite the DRC being rich in natural resources, it remains one of the poorest countries in the world. It continues to face political unrest, poor public infrastructure, and a very limited road network. Emigrants leave to find better living conditions.

It is often hard to specify the statistics relating to emigration - the number can fluctuate significantly because there is no clear policy on migration and because the majority of those leaving the country are simply passing through, as is the case with many refugees and asylum seekers. As such, these emigrants often go unrecorded by authorities. The majority of emigrants stay within the African continent, mostly in South Africa, Tanzania, Angola, Uganda, and Rwanda.

Many other social and political issues affect life in the DRC, such as lack of education; gender discrimination; HIV/AIDS and malaria; and human trafficking and smuggling. Men, women and children are all at risk of forced labour and sex trafficking. Armed groups force individuals into this work, especially in the eastern region. The government has done very little so far; they

have failed to even address human trafficking offenses, leaving victims extremely vulnerable. The DRC government has adopted the main international conventions regarding migration, and the Constitution of 2005 recognizes and grants the rights of asylum seekers and refugees. Despite this declaration, the government has made little to no tangible effort towards developing clear and efficient migration policy. Overall, there is a significant lack of legal framework on migratory issues, which can at times result in dire situations.

## **B. Country Profile**

### **I. Basic Information**

The Democratic Republic of Congo is bordered by the Central African Republic and South Sudan to the north, Uganda, Rwanda, Burundi, and Tanzania to the east, Zambia and Angola to the south, and the Republic of the Congo to the west. The DRC's population of approximately 101,780,263 is divided into over 200 ethnic groups, with the four largest groups (Kongo, Mongo, Luba, and Mangbetzu-Azande) making up about 45% of the populace. The most prevalent religion in the DRC is Christianity, as can be seen from the following breakdown: 29.9% Roman Catholic, 26.7% Protestant, 36.5% other Christian, 2.8% Kimbanguist, 1.3% Muslim, 1.2% other (includes syncretic sects and indigenous beliefs), 1.3% none, and 0.2% unspecified (2014 est.). Poverty, lack of education, gender discrimination, HIV/AIDS, and malaria are the main issues still affecting the population.

### **II. International and Internal Migrants**

The unavailability of data regarding the last census (1984) and the difficulty in documenting internal displacements during the emergency of armed conflicts are the main reasons for a limited analysis of internal migration in the Democratic Republic of Congo.

Ngoie and Lelu highlighted how the movements of Congolese people within the country in the decade of 1999-2009 were influenced by two factors: forced displacements due to war and economic crisis, and the exploitation of natural resources. While the former led people to move from rural to urban areas like Kinshasa, Lubumbashi, and Goma, where they could be employed in the informal sector, the latter reversed the migratory route from urban to rural areas like Pwelo, Dilolo, Kambove, where the search for gold and other minerals became the predominant activity for migrants.

In 2007 a MAFE-led survey of a thousand people aged between 15 and 60 living in Kinshasa showed that 39.2% were not born in the city and almost 62.9% had migrated from other urban areas to the capital, which still seems to be the most appealing destination for Congolese people.

Immigration to the DRC has been generally decreasing since the 1980s due to violence and political instability. The country has not developed a strong economy despite its natural resources, and it does not attract working migrants. In 1960, along with independence, there was a massive increase in emigration and internal displacement. In 1990 the number of immigrants had decreased to approximately 750,000. In 1995 there were almost 2 million

immigrants, most of them from Rwanda, and in 2000 the number had decreased again to 744,400. Between 2005 and 2010 the number of immigrants diminished to under 600,000, which was the lowest number since the 1990s. In 2015 there was a slight increase to 824,500 immigrants, followed by another slight increase to 963 800 in 2019, corresponding to 1.1% of the population. According to the United Nations report, from 2005 to 2019 the proportion of immigrants between 20 and 64 years of age between 63% and 72%; and they originated from different countries across the world. On the African continent most people migrating to the DRC were from neighbouring countries, primarily the Central African Republic, Rwanda, Burundi, and Angola.

According to UN DESA, the net migration rate is very low (0.3 in 2020) and has not changed significantly in fifteen years. The data available is far from being exhaustive, as most immigrants cross the borders irregularly or without being registered. Moreover, those who are employed or self-employed often work in the informal sector, which makes it difficult to estimate their impact and contribution to the national economy and to account for them in migration statistics.

The most relevant figures regarding refugees date back to 1994. This was shortly prior to the Rwandan civil war, which caused around 1,700,000 people to cross into the DRC. There was also a smaller but substantial increase in immigration in 2017 of 537,000 people trying to escape the conflict in Burundi. The data from these incidents underestimates the real exodus from the neighbouring countries, which remained largely unrecorded. In 1997 the number of incoming refugees dropped to 297,500, reaching 65,100 in 2012, its lowest since 1960. During the same year the number of asylum seekers (mostly from Burundi and Rwanda) was estimated to be around 1,800. The latest figures set the number of refugees to be 523,700, while the asylum seekers were 3,200. The majority of these refugees were coming from the Central African Republic, Rwanda, and South Sudan.

Because of its geographical position, and despite its poor economic system and violent environment, the DRC is an inevitable passage for thousands of refugees escaping from Rwanda, Burundi, Angola, Central African Republic, and South Sudan. In 2002 the government created a National Refugee Commission (*Commission Nationale pour les Réfugiés*) to deal with asylum applications. It also created refugee camps, often in far-off rural places that are difficult to reach, though most refugees settle outside of established areas. Even though national laws grant refugees the same basic rights that nationals have, it is often problematic to enforce these rights and to assist and monitor the refugee population.

From 1995 to 2020 the gender ratio of the international migrants has been very even, with only slightly more female migrants, ranging from 50.4% to 51.9%.

### **III. Emigration and Skilled Migration**

The DRC is one of the poorest countries in the world, although rich in natural resources. Moreover, it continues to face political unrest, poor public infrastructure, and a very limited

road network. Most emigrants leave due to unending conflicts and to find better living conditions in other countries. The number of Congolese emigrants has increased significantly on an annual basis since 1995. According to UN DESA, emigrants numbered 559,800 in 1995, 862,100 in 2000, and 1.1 million in 2005. These numbers kept increasing in 2010 (1.3 million) and 2015 (1.5 million) to reach 1.7 million in 2019. Different figures were provided by Ngoie and Lelu, who drew on results from the 1995-2005 census carried out by the Development Research Centre at Sussex University, which reported that the number of Congolese emigrants was around 821,057. On the other hand, in 2007 the Ministry of Home Affairs estimated that the total number of emigrants was around 3,000,000. These anomalies make it difficult to have a clear vision of the migratory phenomenon and an accurate profile of Congolese migrants.

In 2013 the Congolese migrant stock according to destination country was reported to be as follows: 266,319 emigrants to the Republic of Congo, 175,738 to Rwanda, 169,074 to Uganda, 148,852 to Burundi, and 62,172 to France. In 2019 the total percentage of Congolese working-age migrants was 71.4%, with 1.7 million people who could be potentially employed or self-employed, especially in the informal sector (where migrants mostly find an occupation), but also in light and heavy industry, health care, and retail businesses. Unfortunately, no accurate data is available as far as unemployed migrants are concerned. The 2009 Human Development Report shows that 35.5% of Congolese emigrants have a tertiary education, 32.5% a secondary or post-secondary education, and 25% have less than secondary education.

Political instability and poor economic conditions, along with restrictions on re-entering European countries, discourage emigrants from returning to DRC. No return policy existed prior to 2006 when a Vice-Ministry for Congolese Abroad was established with the aim of creating a fund for the development of the health care sector in the country. A parallel institution, the Directorate for Congolese Nationals Abroad, was created shortly afterwards within the Ministry of Foreign Affairs, but despite this, many return programmes and policies are held and dealt with by international organizations, including repatriation initiatives.

A substantial proportion of emigrants flee to seek asylum, with over 915,000 asylum seekers and refugees from the DRC residing in other African countries.

#### **IV. Forced Migration (IDPs, asylum seekers and refugees)**

Congolese refugee and asylum seeker numbers have increased since 1999. In February 2020 there were estimated to be around 918,000 refugees and asylum seekers from the DRC hosted in other African Countries.

Figures on refugees and asylum seekers hosted by the DRC, on the other hand, fluctuated far more. In 2004 the figures for both refugees and asylum seekers almost doubled to reach 462,200 and 50,900, respectively. Incoming refugees dropped to 65,100 in 2012, the lowest number since 1960. During the same year the number of asylum seekers (mostly from Burundi and Rwanda) was estimated to be around 1,800. The latest figures for 2019 set the number of refugees at 523,700 (relatively close to the recent peak of 537,100 in 2017) and asylum seekers at 3,200. The

majority of the refugees represented by the 2019 figure were coming from the Central African Republic, Rwanda, and South Sudan. The main destinations for these emigrants were South Africa, Tanzania, Kenya, Malawi, and Uganda. Unfortunately, no data is available to indicate the percentage of women and children in the refugee population.

Migration history in the DRC has mainly been characterised by forced displacements of people fleeing from conflicts, epidemics, and natural disasters. As no national registration system exists, figures are provided by humanitarian organizations and verified by the UN and IOM, but they do not cover the entire territory, nor do they offer a very reliable estimate of the phenomenon. Even though the majority of people have been forced to move because of the Congo Wars, ethnic conflicts, and clashes between armed groups and government forces, others have been forced to move due to epidemics (cholera, measles, Ebola and Covid-19), floods, and earthquakes.

In 2009 there were 1.9 million internally displaced persons in the DRC, dropping to 1.7 million in 2010 and the same in 2011. Thereafter it rose for the following three years to more than 2.7 million, dropped in 2015 to 1.5 million, and then escalated to the current 5.512 million internally displaced persons in the DRC since 2019.

The political crisis in 2016 has caused an increase of new displacements related to conflict, as more than 2.23 million people were forced to leave their homes. By the end of 2017 the figures had doubled to reach 4.48 million, while in 2018 numbers went down to 3.08 million IDPs, which included a substantial 1.84 million new displacements. In 2019 the number of new displacements decreased marginally to 1,672 million, but total displacements rose to 5.512 million.

Two factors impacting internal displacement have been clashes between the military and armed groups in the North Kivu province, which have caused 520,000 new displacements, primarily from Rutshuru and Lubero territories, as well as an increase in intercommunal violence between the Hema and Lendu communities, which have caused 453,000 internal displacements in Ituri. Additionally, an escalation of conflict between armed groups and intercommunal violence in South Kivu led to 401,000 displacements recorded, mainly in the Fizi and Mwenga territories. The displaced were primarily women and children. In terms of the location of IDPs, North and South Kivu have the most, although southern and central provinces such as Ituri, Kasai, Kasai-Oriental, and Tanganyika host significant numbers as well.

## **V. Victims of human trafficking**

The DRC is a source, transit, and destination country for human trafficking and was recently upgraded from Tier 3 to the Tier 2 watchlist. Men, women, and children are at risk for forced labour and sex trafficking, mostly inflicted by the armed groups that still control some areas, especially in the eastern region. Common forms of exploitation include forced labour, including debt bondage; forced prostitution and marriage of women and girls; and domestic servitude. Children are employed in agriculture, mining, smuggling, and begging.

Although IOM claims that no data was collected on women and children exploited in the DRC, over the period 2002-2018, estimates suggest that the percentage of Congolese females among the victims of trafficking was around 68%, while that of children was 61%. However, there were 3,107 documented cases in which children escaped from armed groups in 2019 alone. In April 2019 the Agency for the Prevention and the Fight Against Trafficking in Persons (APLTP) was established as the national coordinating body for anti-trafficking.

In 2015, 4,300 victims of human trafficking were identified, but unfortunately the government has done little so far to limit and address human trafficking offenses, one reason being the difficulty of identifying victims. Additionally, with nine neighbouring countries, Congolese borders are difficult to monitor, and police surveillance is ineffective. Angola and Uganda allow refugees and asylum seekers to enter informally, without being accounted for. There was also evidence in 2018 of some national army forces being complicit in human trafficking. For instance, reports from January to August 2018 indicate that at least 893 women and girls were victims of sexual and gender-based violence, with primary perpetrators including armed groups, followed by the Congolese National Army (FARDC), the police, and intelligence agents. There were also reports that the FARDC worked with proxy militias which recruited and used child soldiers. Additionally, the FARDC continued to collaborate broadly with the Bana Mura proxy militia which used at least 64 children in sexual slavery during the 2018 reporting period. In contrast, in 2019 the government made key achievements during the reporting period, including increasing prosecutions and investigations of trafficking cases, particularly those involving sex trafficking and forced labour—crimes that had previously not been generally addressed by the justice system, which did, however, investigate and prosecute crimes involving child soldiers. The government convicted a former colonel in the FARDC for trafficking crimes and ordered the leader of an armed group and two accomplices to pay restitution to more than 300 victims of sexual enslavement and other crimes.

Historically the main routes for illegal migration and smuggling can be found in the western, eastern, and southern regions of the country. Kinshasa seems to be the crucial point for migrants who wish to reach either North Africa (passing through Brazzaville, Gabon, and Douala) or Europe (via Luanda and Portugal). In the Eastern region, smuggling routes go through Goma to Tanzania and South Africa or to Uganda and Nigeria. Bukavu is an important crossroads for those who wish to reach Morocco via Tanzania, Kenya and Nigeria. Lubumbashi is the southern passage for those travelling to Zambia, Namibia, and South Africa, to Luanda (via Dilolo), or to the United Kingdom (via Lusaka).

## **VI. National Legal Framework**

So far, the Democratic Republic of Congo has accepted international conventions regarding migration, including the UN Convention on the Status of Refugees (1956) and the 1967 Protocol, the 1969 OAU Refugee convention, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1993), the UN Convention against Transnational Organized Crime (1996), the Protocols against the Smuggling of Migrants and

Human Trafficking (2005), and the Kampala Convention on IDPs in Africa (2016). Additionally, the government of the DRC has signed the International Covenant on Economic, Social, and Cultural Rights; the International Covenant on Civil and Political Rights (1976); and the 1990 Convention on the Rights of the Child.

Moreover, section 32 of the Constitution of 2005 recognizes the rights of migrants; and section 33 grants further rights to asylum seekers and refugees. Nevertheless, the government has not developed a clear and efficient migration policy and lacks a solid legal framework on migratory issues.

The first law defining the terms of entry, stay, and leave for foreigners was promulgated in 1983, but it contained many unintelligible passages which creates confusion and misinterpretation. In 1987 another law was promulgated (Law n. 87/033) regarding visas to enter and stay in the country: transit, voyage, exit, residency (from 1 to 5 years), and special permits for nationals leaving the country for less than 72 hours. According to the law, all foreigners entering the country had to fill out an application form at the airport of arrival and at certain border points, but most of the time the application form was not provided.

Only in 2002 did the government pass a national refugee law establishing the CNR (Commission Nationale pour les Réfugiés – the National Refugee Commission) to process asylum applications and ensure the protection of refugees. In the same year another law (No. 036/2003) established the main institutions for regulating migratory policies, such as the Central Directorate of the Border Police of the Congolese National Police (for the control of migratory movements and borders), the Ministry of Labour and Social Affairs (issuing permits to working immigrants), and the Ministry of Foreign Affairs (issuing passports and visas and, since 2006, monitoring Congolese emigrants). Moreover, in accordance with Law No. 036/2002 of 28 March 2002, there was the designation of Services and Public Bodies authorised to act at the borders of the Democratic Republic of Congo; this law determines the services authorized at the borders of the DRC. Law No. 36/2002 designates the following government services: the General Directorate of Migration (DGM), the Customs and Excise Office (OFIDA), the Congolese Control Office (OCC), the Public Hygiene Service, and the newly formed Central Directorate of the Border Police of the Congolese National Police which supports the four aforementioned services and ensures the protection and physical surveillance of the borders. Together these five services ensure integrated border management in accordance with their specific mandates. Despite numerous institutions dealing with migration and refugee issues, the DRC legal framework still presents some important gaps, and the poor coordination among the different departments and ministries is still a key challenge for the development of an effective migration policy.

## **VII. Main Actors**

### *The State*

The Ministry of the Interior and Security is responsible for the identification and census of the population; it grants refugee status in collaboration with the National Refugee Commission and deals with border control policy. The General Directorate for Migration (Direction Générale des Migrations, DGM) within the Ministry of the Interior and Security is the main government institution dealing with migration policies; it controls and regulates movements of the national and foreign population, issues passports and visas, coordinates border police, collaborates with other international organizations, and publishes internal annual reports. Since 2006 the Ministry of Foreign Affairs has appointed a Vice-Ministry for Congolese Nationals Abroad, which is responsible for monitoring emigration issues. The Ministry of Labour and Social Welfare issues work permits for migrants and deals with employment policy. The Ministry of Justice regulates issues of nationality and naturalization and collaborates with Interpol forces. The Ministry of Social Affairs deals with the reintegration of child soldiers and other vulnerable groups. It is also responsible for humanitarian issues. The Ministry of the Interior and Security provides assistance to refugees, IDPs, and other vulnerable groups. The Vice-Ministry of Congolese Abroad is playing an increasingly important role in the synergy of action between the diaspora and the country of origin. Shortly after appointing the Vice-Ministry, the Directorate for Congolese Nationals Abroad was established.

Additional actors were clarified in accordance with Law No. 036/2002 of 28 March 2002. This law provides for the designation of services and public bodies authorised to act at the borders of the Democratic Republic of Congo. Accordingly, the General Directorate of Migration (DGM) operates in reserved areas at border crossings and borders, particularly in the areas of counterintelligence and the management of migratory flows. The Customs and Excise Office (OFIDA), in accordance with the ordinance law 079/114 of 15 May 1979, deals with customs clearance formalities for import and export goods, general surveillance of exits from the customs area as well as the unloading of goods, control at the outset of commercial exports made by migrants, formalities concerning the obligation to declare goods, the application and collection on arrival of duties and taxes on goods, control aimed at detecting illicit traffic and prohibited imports, control of warehouses and customs clearance areas, and customs clearance of packages imported by individuals. The Congolese Control Office (OCC) is responsible for control of the quality, quantity, and prices of goods and products exported and imported and the certification of the condition of goods and products meant for consumption. The Public Hygiene Service takes care of border health control. The Central Directorate of the Border Police to the National Police ensures the security and maintenance of public order at border crossing points, physical border surveillance to fight against the phenomena of irregular migration and organized cross-border crime, the channelling of migrants to official border crossing points, the support of all other services in case of problems threatening public order, and the search for common law offenses.

### *International Organisations*

The most important international organizations dealing with migration in the DRC are the IOM (International Organization for Migration), the United Nations High Commissioner for



Refugees (UNHCR), and Doctors Without Borders (MSF). The IOM aims to improve the collection of data regarding migratory movements and internal displacements as well as to better manage situations at the borders, where the majority of the population lives and where the presence of refugees and asylum seekers is more prevalent. In the DRC, IOM has operated by assisting returnees and opposing human trafficking. The UNHCR deals mainly with the refugees and IDPs and cooperates with government departments to host Congolese refugees worldwide but also supports and invests in programs that create opportunities for personal development, such as in the Mantapala settlement in Zambia where refugee women, including many Congolese women, were empowered and trained to become entrepreneurs and have access to markets and services. The MSF assists migrants fleeing disease and conflict in the DRC, including responding to the world's largest measles epidemic in 2019, with 310,000 infected and 6000 dead; aiding women displaced as a result of gender-based violence; and providing shelter for those displaced as a result of intercommunal violence.

### *The Catholic Church*

The Catholic Church is well-established and active in the DRC and has programs which focus either directly or indirectly on migrants and refugees. For instance, there is an Office of Migration within the Justice and Peace Commission of the Episcopal Conference of Congo (CENCO). In 2015 the Episcopal Conference, sensitive to the issue, decided to include migration in its human rights program, entitling it "Human Rights and Migrations". Among the actors involved in the Catholic Church's work within the country there are the Jesuit Refugee Service's Education and Livelihoods in Congolese Refugee Camps initiatives in the volatile North Kivu in eastern DRC where JRS persevered even though the government abruptly closed several camps, including four where JRS had established projects. JRS offers educational, psychosocial, and livelihoods services in several camps in Goma, Masisi, and Mweso. The education support offered is wide-ranging, including subsidizing school fees for very vulnerable students, training teachers, distributing school kits, building schools, and helping final-year students to prepare for the state examination. JRS also offers counselling and helps resolve social problems within the refugee community. Those who were in situations of extreme vulnerability were assisted to improve their living conditions through the repair or construction of shelters and the distribution of food, hygiene kits, and other essential items.

The Carmelite Sisters of Charity are additional actors: their ARC-EN-CIEL service works in Baraka (South Kivu) with the vulnerable, including migrants and the internally displaced, empowering women and youth to become self-sufficient and have their rights respected by all. The program contributes to the promotion of human rights by increasing awareness and sensitization about the prevalence and impact of sexual violence.

Catholic Relief Services (CRS DRC) addresses sudden-onset emergency and long-term development issues in collaboration with Church partners, government agencies, and other humanitarian actors. The work that CRS does is founded on the strength of its partnership with the Catholic Church in particular; in 2019, CRS was collaborating with up to 18 diocesan Caritas

partners in addition to the national-level Caritas Congo. By working through Church partners, CRS has been able to serve remote populations despite extremely challenging operational conditions. It assists populations at risk, including migrants, refugees, and IDPs, given that over 4.8 million people in the DRC are displaced by conflict, with high needs for shelter, food, and non-food items. CRS in the DRC not only assists internal and international migrants in the DRC, among others, but also assists with efforts to defuse conflict in accordance with its peace-building mandate.

Caritas Congo plays an active role in assisting refugees, asylum seekers and IDPs in the country. With its Executive Secretariat coordinating various actions carried out nationally, its 47 Diocesan offices, 1,500 Parish Offices, and more than 10,000 volunteers, Caritas Congo intervenes in areas such as emergencies, healthcare, sustainable development, and capacity building. Anchored in a new Strategic Plan 2020-2023 by the National Episcopal Conference of Congo (CENCO), the organization - under the guidance also of Caritas Internationalis and Caritas Africa - has been providing humanitarian relief to the many internally displaced people fleeing from violence and disasters, including provision of environmental protection, education, and protection against exploitation.

The current COVID-19 outbreak represents a crisis within a crisis, with Caritas Congo, Caritas Internationalis, and other aid organizations working together to raise awareness and offer assistance to the most vulnerable.

A number of Catholic organisations assist Congolese emigrants, including refugees and asylum seekers, such as Caritas Zambia's "Revolving Refugee Farmers Input Support for Value Chain Development Project", and also various programs assisting DRC migrants, asylum seekers, and refugees at the Scalabrini Centre of Cape Town, offering English classes, employment access, and advocacy programs.

#### *Other Actors*

Refugees, asylum seekers, and IDPs are assisted by a range of NGOs which operate as implementing partners with the UNHCR. These include Action Humanitaire Afrique, Actions et Interventions pour le Développement et l'Encadrement Social, Agency for Technical Cooperation and Development, Association Pour le Développement Social et la Sauvegarde de l'Environnement, Atlas Logistique, Caritas Katanga, Catholic Relief Services, Comité de Développement Intégré, Danish Church Aid, Regroupement des Institutions du Système de Financement Décentralisé du Congo, and Search for Common Ground.

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