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LEE Kwi-nam
Ministry of Justice
Gwacheon Government Complex
Jungang-dong 1
Gwacheon-si, Kyunggi-do
Republic of Korea

23 March 2011

Dear Minister

OPEN LETTER: KOREAN IMMIGRATION SERVICE MUST RESPECT RULE OF LAW IN THE CASE OF MTU PRESIDENT MICHEL CATUIRA

Amnesty International is greatly concerned that Michel Catuira, Filipino national and President of the Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU) is being targeted for forcible, arbitrary deportation based on Catuira's work on behalf of migrant workers' rights.

Like previous presidents, Michel Catuira has spoken out against restrictions placed on migrant workers' freedom to change workplaces and immigration raids which have resulted in arbitrary arrests, collective expulsions and the unnecessary or excessive use of force. Amnesty International believes that the current immigration measures against Michel Catuira are the latest attempt by the South Korean government to crackdown on the legitimate activities of the MTU and to prevent migrant workers from freely exercising their rights to freedom of association and to form trade unions. These rights are provided for in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and ILO convention No. 135 (on workers' representatives) to which South Korea, as a state party, is obliged to comply.

Since the MTU was founded in 2005, the immigration authorities have arrested six of its senior officials, five of whom were forcibly and arbitrarily deported. Two of those deported were MTU presidents. Every president's term has been severely interrupted by measures taken by the Immigration Service, most notably arrest and deportation.

As you are aware, the Seoul 12th Administrative Court issued an injunction on 2 March against the cancellation of Michel Catuira's visa and permission to change workplace, and the order to leave the country by 7 March. The Korean Immigration Service, by denying an extension of visa status, is defying this temporary Court injunction against the execution of immigration measures that would lead to the deportation of Michel Catuira. Until the appeal case is decided, it must respect the Court's ruling.

Amnesty International calls on the Korean Immigration Service to immediately remove obstacles preventing migrant workers from participating in trade unions, including the MTU, and to stop the targeting of MTU officials. In addition, we urge the South Korean government to recognize MTU's status as a legal union in South Korea in line with domestic and international law.

Amnesty International has issued an Urgent Action (UA: 34/11) on behalf of Michel Catuira and a public statement (ASA 25/002/2011) calling on the Korean Immigration Service to restore Michel Catuira's visa status. We continue to call on the Korean Immigration Service to respect the Court injunction by halting all immigration measures while Michel Catuira's appeal is being heard. This includes restoring Michel Catuira's permission to change workplace and visa status. We urgently ask for your immediate consideration in this matter.

**AMNESTY
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Yours sincerely,

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Cc: Commissioner SEOK Dong-hyun