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Amnesty International welcomes court ruling in favour of Trade Union activist in South Korea

Amnesty International welcomes Thursday's ruling by Seoul's Administrative Court upholding the appeal of Migrants' Trade Union (MTU) President Michel Catuira against the Korean authorities' attempt to deport him on the grounds that he had obtained his work visa by deception. In particular, the Court ruled that the Korea Immigration Service's efforts to deport him were in violation of both South Korean and international human rights law.

The Court further noted that the Immigration Service's motives for attempting to deport Michel Catuira may be linked to Catuira's union activities as President of the MTU. It declared that foreign workers employed in South Korea must be afforded basic labour rights, including freedom of association and the right to collective bargaining.

Since issuing an Urgent Action appeal on behalf of Catuira in February 2011 and through subsequent actions, Amnesty International had raised concern that Michel Catuira was being targeted due to his position in the MTU, and that efforts to deport him were the latest attempt by the Korean authorities to crack down on the activities of the MTU and to undermine migrant workers' rights. Since the MTU was founded in 2005, the South Korean government has arrested and deported at least five leaders including two former presidents.

Michel Catuira has been in South Korea since 2006 as a documented migrant worker employed under the Employment Permit System with his last employment at a shoe factory in Seoul. He became President of the MTU in July 2009.

In November 2010, the Korea Immigration Service began an investigation of Michel Catuira on suspicion of violating the Immigration Control Act in the course of applying for a workplace transfer and focussed also on his performance in the workplace. It concluded that he was not working at the shoe factory and therefore had obtained his work visa by deception, in breach of article 89.1 of the Immigration Control Act.

In February 2011, the immigration authorities cancelled Catuira's visa, and ordered him to leave South Korea by 7 March. Catuira appealed this decision and applied for an extension to his visa, which was denied by the Korean Immigration Service. Catuira then applied for a G-1 visa, which is typically granted to people who need to remain temporarily in the country in special circumstances, including attending legal proceedings, but this request was also refused by the Korean Immigration Service.

In its ruling the Court cited international human rights instruments by which South Korea is bound as a state party. This includes the International Covenant on Economic, Social and Cultural Rights, Article 8 of which provides the right of everyone to form trade unions and join the trade union of their choice.

In light of the Court's ruling, Amnesty International calls on the South Korean authorities to:

- immediately restore Michel Catuira's original E-9 work visa status;

- stop all practices aimed at deterring or preventing migrant workers, regardless of their status, from joining or participating in trade unions;
- remove obstacles preventing participation in the MTU, in particular through fully recognising it as a legal union in South Korea in line with domestic and international law and standards.