

URGENT ACTION

TRADE UNIONIST RISKS FORCED DEPORTATION

On 17 and 29 March 2011 the Korean Immigration Service denied visa status for Michel Catuira, President of the Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU). He is now at risk of being deported from South Korea before his appeal against the Korea Immigration Service is fully heard, in defiance of a temporary court injunction that was intended to prevent this.

The Korean Immigration Service denied **Michel Catuira** an extension of his visa on 17 March. On 29 March, it denied Michel Catuira's application for a G-1 visa, which is typically granted to people who need to remain temporarily in the country for special circumstances, including being present for legal proceedings. Without visa status, Michel Catuira is now at risk of being deported before his appeal is fully heard. The Immigration Service's refusal to issue a G-1 visa is effectively denying Michel Catuira the right to due process, including the right to a fair trial.

On 2 March, Seoul's 12th Administrative Court issued a temporary injunction against his forcible deportation from South Korea. However, the Korean Immigration Service told Michel Catuira to leave the country by 31 March or face forcible deportation.

The Administrative Court is expected to begin hearing the appeal case in late April, during which both Michel Catuira and the Immigration authorities are meant to give testimony. It is unclear how long this process will take, as the length of time can range from one month to a year in South Korea.

Michel Catuira, a 38-year-old Filipino national, has faced harassment from the authorities since July 2010. The government of South Korea refuses to recognize the legitimacy of the MTU and has staged a number of crackdowns on its leaders since it was founded in 2005.

PLEASE WRITE IMMEDIATELY in English, Korean or your own language:

- Respect the injunction to halt all immigration measures while Michel Catuira's appeal is being heard. This would include ensuring an extension of visa status and refraining from carrying out his deportation order;
- Immediately stop all practices which prevent or deter migrant workers from actively participating in trade unions;
- Immediately remove obstacles that prevent migrant workers from participating in the Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU), in particular by recognizing its status as a legal union in South Korea in line with domestic and international law and standards.

PLEASE SEND APPEALS BEFORE 16 MAY 2011 TO:

Chief Commissioner of the Korea
Immigration Service

SEOK Dong-hyun
Korea Immigration Service
1-19 Gwacheon, NC Building 8th Floor
Byeolgyang-dong, Gwacheon
Gyeonggi Province 427-705
Republic of Korea
Fax: +82 2 500 9097/9059

Salutation: Dear Commissioner

Minister of Justice

LEE Kwi-nam
Ministry of Justice
Gwacheon Government Complex
88 Gwanmoon-ro, Gwacheon
Gyeonggi Province 427-720
Republic of Korea
Fax: +82 2 503 3532/7023
Email: webmaster@moj.go.kr

Salutation: Dear Minister

And copies to:

Minister of Employment and Labour
BAHK Jae-wan
Ministry of Employment and Labour
Gwacheon Government Complex
88 Gwanmoon-ro, Gwacheon
Gyeonggi Province 427-718
Fax: +82 2 503 6623
Email: molab506@moel.go.kr

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 34/11. Further information: <http://www.amnesty.org/en/library/info/ASA25/003/2011/en>

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ADDITIONAL INFORMATION

Michel Catuira has been in South Korea since February 2006 as a documented migrant worker employed under the Employment Permit System (EPS). He was employed at a shoe factory in Seoul. He became President of the Migrants' Trade Union (MTU) in July 2009.

In July 2010, the Ministry of Employment and Labour ordered him and his employer to appear for an interview under suspicion of a false employment relationship. The Ministry did not find any prosecutable violation of labour or immigration law. However, it found that Catuira's workplace, a shoe factory, had little business. As the main goal of the Employment Permit System (EPS) is to provide foreign labour to companies with labour shortages, the Ministry sent a memo to Michel Catuira's employer suggesting that they file a change of workplace form for him.

In November 2010, Michel Catuira was called to appear before an investigation team of the Korea Immigration Service on "suspicion of violation of the Immigration Control Act in the course of applying for a workplace transfer and with relation to actual performance of work duties at present". They concluded that he was not working at the shoe factory; thus, the grounds for his work visa was "deceitful", in breach of article 89.1 of the Immigration Control Act. On 10 February, the immigration authorities cancelled his visa, and on 14 February, he was told that he had until 7 March to leave South Korea.

The South Korean government has arrested and deported several leaders of the MTU since it was founded in 2005. The discriminatory nature of these actions indicates that the authorities are attempting to stop the MTU from conducting its legitimate union activities.

Amnesty International believes that this is the latest attempt by the South Korean authorities to crackdown on the activities of the MTU and to threaten migrant workers' rights, including the right to freedom of association and, in particular, the right to form trade unions. The rights to independent association, collective bargaining and collective action are protected in the Constitution of South Korea and apply to everyone, without discrimination, including migrant workers.

Further information on UA: 34/11 Index: ASA 25/005/2011 Issue Date: 04 April 2011

