

URGENT ACTION

TRADE UNIONIST AT RISK OF FORCED DEPORTATION

Michel Caturia, President of the Seoul-Gyeonggi-Incheon Migrants' Trade Union (MTU) in South Korea is at risk of being deported. The Korea Immigration Service has told him that he must leave the country by 7 March or he will become undocumented and subject to forcible deportation. Amnesty International believes he has been targeted for his role in the MTU.

As of 7 March 2011, **Michel Caturia**, a 38-year-old Filipino national and President of the MTU, will be subject to forcible deportation from South Korea. 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.

The harassment of Michel Caturia began 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 Caturia'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 Caturia's employer suggesting that they file a change of workplace for him.

In November 2010, Michel Caturia 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 MTU has been very vocal during the past few years in favour of the respect, protection and promotion of the rights of migrant workers in South Korea. In particular the MTU has spoken out against restrictions placed on migrant workers' freedom to change workplaces and against immigration raids, which have resulted in arbitrary arrests, collective expulsions and violations of law enforcement procedures, including the excessive use of force.

PLEASE WRITE IMMEDIATELY in English, Korean or your own language, urging the authorities of South Korea to:

- Restore Michel Caturia's visa status and refrain from forcibly deporting him;
- Immediately stop all practices which result in obstacles or deterrents to actively participating in trade unions;
- Immediately remove obstacles to 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 07 MARCH 2011 TO:

Chief Commissioner of the Korea

Immigration Service

SEOK Dong-hyun

Korea Immigration Service

1-19 Gwacheon, NC Building 8th Floor

Byeolyang-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

Republic of Korea

Fax: +82-2-503-6623

Email: molab506@moel.go.kr

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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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.

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

The South Korean authorities arrested MTU's first president, Anwar Hossain, a Bangladeshi national, for being in an irregular status soon after the union was founded. On 14 May 2005, more than 20 police and immigration officials arrested and reportedly physically assaulted Anwar Hossain. Eleven months later, Anwar Hossain was released on bail citing "a temporary cancellation of detention" so he could receive medical treatment for a mental condition that he suffered during detention. When he returned to Bangladesh in August 2007 he was detained by the Bangladeshi authorities and questioned on his "anti-government activities" in South Korea.

MTU's second president Kajiman Khapung, as well as the vice-president and general secretary were all arrested on 27 November 2007 on grounds of their irregular status. The three leaders were taken to a Cheongju detention centre in North Chungcheon province and later deported to their countries of origin on 13 December 2007.

The MTU's third president was arrested on 2 May 2008 along with the vice-president. Both were arrested on the basis of their irregular status. They were detained at Cheongju detention centre and deported on 15 May 2008, despite a call by the National Human Rights Commission of Korea for a stay of deportation until it could investigate allegations of abuse during the arrest.

The Seoul High Court issued a judgement on 1 February 2007 calling for the cancellation of the rejection by the authorities of the Seoul-Gyeonggi-Incheon Migrants' Trade Union's Notice of Founding a Union. This ruling, in effect, recognizes and thereby realizes the MTU as a union representing the rights of all migrant workers, regardless of their status. The Ministry of Labour appealed against this decision to the Supreme Court where a ruling is still pending.

In November 2009, both the International Labour Organization (ILO) and UN Committee on Economic, Social and Cultural Rights issued recommendations to the South Korean government recognizing the right of all migrant workers, regardless of visa status, to freedom of association. Further, the two bodies recommended that the South Korean government immediately stop using immigration procedures, such as arrest and deportation, against MTU officers. The ILO has continued to issue similar recommendations since that time, which the government has clearly not heeded.

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, 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.

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