

## Let Priya and Nades and their family stay

Here, the NSW Justice and Peace organisations provide answers to questions that people are asking.

### **The facts – and what we are asking the Government to do**

- In 8 days, there will be another court hearing.
- The Government has committed not to separate two-year-old Tharunicaa from her family.
- If Tharunicaa is found to be a refugee, it will be clear: the family will remain in Australia. At that time, Minister Coleman will need to exercise discretion and grant the other family members refugee status.
- No matter what the outcome, by 18 September, the date of the court hearing, the Government must bring the family to mainland Australia to a place of sanctuary and healing. If there are further legal proceedings, the family should be placed in a community setting where they can follow normal daily routines and regain their health.

### **What is the situation in Sri Lanka? Are the family's fears real?**

Sri Lanka's civil war ended in May 2009, but there are tensions still between the Sinhalese and the minority Tamil ethnic groups. Many Tamils are returning and rebuilding a life in Sri Lanka, especially those living in nearby South India. It is not easy, but like many refugees, they want to return home, and international support is being given.

However, this family has now experienced more than a year in an immigration detention centre in Melbourne; the health of the children is severely at risk and they need medical care.

It is not reasonable to ask this family to return to Sri Lanka, even if they had no fear of violence from their Tamil ethnicity. They need to be in the land that they know and trust, Australia.

### **Australia's future – why this family should be welcomed**

Australia is not only rich in natural resources; it is rich in its moral compass of love and compassion.

Australia needs the leadership of our Prime Minister at this time. We call on you, Prime Minister Scott Morrison, to build our nation's understanding of itself as compassionate and fair. We call upon you to explain to those who do not understand the details of this situation that granting Priya, Nades, Kopika and Tharunicaa refugee status will build a future of diversity, acceptance and love.

### **Ministerial Discretion – why it must be used**

There is in our law a provision for Ministerial Discretion in cases where the law alone does not deliver a just outcome. This is such a case. Priya's and Nades' children were born in Australia, they know no other world other than Australia, and their family has been accepted by an Australian community who regard them as important and valued members of that community. It is for cases like this that the Minister is given a discretionary power to intervene. And intervene he must.

We do not need to live in fear. We acknowledge that if the Minister exercises his discretion in this case, there may be concerns that it would be a precedent for future similar cases. However, the law provides that each case is considered on its merits, and so we do not think that a decision by Minister David Coleman will compromise interpretation of the law. That is, each case is weighed on its merits, and as each case is different, one cannot predict the outcome.

**Conclusion**

This moment is a turning point. We note the comment by Barnaby Joyce, MP “The people of Biloela seem to be pretty enthused about keeping this family there. We should be listening to them”.

We remember with deepest respect the compassion of the late Tim Fischer for the Laotian man who, in turmoil and distress, pulled a gun in the Albury office of the Department of Immigration, in 1986. What an act of love – Mr Fischer visited the man’s family in a Thai refugee camp and pleaded their case with Australian and UN officials. And what a story of resilience and hope – the man and his family are now living in California, after he established a restaurant and saved the necessary resources.