

**Media Release – 16 July 2018**

## **Australian Government called upon to prevent the separation of a Tamil family today**

A Tamil refugee woman and her baby son are about to be separated from their husband and father who is due to be deported to Sri Lanka imminently.

This separation could be swiftly avoided, if the Minister of Home Affairs simply intervened in their case, allowing a family to remain safe and together.

Australia's Department of Home Affairs last week approved the refugee status of the wife and child, granting them a Safe Haven Enterprise Visa (SHEV). The husband arrived before them on a separate boat and had a separate visa application which was unsuccessful. Due to our arbitrary immigration laws, there was no way for the family to join the two applications together.

The Safe Haven Enterprise Visa does not allow for family reunion, which means the wife is unable to sponsor her husband and due to her recognised fears would be unable to join him in Sri Lanka.

The Minister for Home Affairs could intervene to protect family unity using his personal discretionary powers. The Minister needs to act now before the deportation and prevent this family facing irreparable harm and potentially permanent separation.

Unfortunately the Ministerial Intervention power is non-compellable, but it is a power that is available for circumstances such as this where arbitrary laws may cause such egregious injustice.

Sarah Dale, Principal Solicitor of the Refugee Advice and Casework Service said "Family unity is protected as a human right. The Convention on the Rights of the Child provides that a State will respect the right of a child to family relations recognised by law without unlawful interference. Further the ICCPR<sup>1</sup> also enshrines that the family is a natural and fundamental unit entitled to protection."

Ms Dale continues "The Minister should intervene today to stop this refugee family's father and husband from being deported. It is an unnecessary traumatic separation of the family unit who have been recognised as refugees. It is absolutely the right thing to do to keep them together in safety."

"Australia owes protection, particularly to children, and this separation is absolutely contrary to the best interests of this child."

RACS has been advised by the Tamil Refugee Council that the family remain outside Villawood Immigration Detention Centre pleading for the mercy of Australian Immigration officials. The husband has been advised he will be removed from Australia this afternoon.

**For further comment – Sarah Dale 0419 200 637**

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<sup>1</sup> International Covenant on Civil and Political Rights