

## The Hon Alex Hawke MP

Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs

Tuesday, 15 June 2021

### Statement on the Sri Lankan family in held detention

Today I have exercised my power under section 197AB of the Migration Act to make a residence determination to allow the Sri Lankan family currently in held detention to reside in the Perth community.

In making this determination I am balancing the government's ongoing commitment to strong border protection policies with appropriate compassion in circumstances involving children in held detention.

I have not made a decision regarding exercising my powers under sections 46A and 48B following the family's request that I consider additional health information which will take additional time.

The family will now reside in suburban Perth through a community detention placement, close to schools and support services, while the youngest child receives medical treatment from the nearby Perth Children's Hospital and as the family pursues ongoing legal matters.

Today's decision releases the family from held detention and facilitates ongoing treatment, while they pursue ongoing litigation before the Administrative Appeals Tribunal, Federal Court and High Court. Importantly, today's decision does not create a pathway to a visa.

As required by court orders, I will consider at a future date whether to lift the statutory bar presently preventing members of the family from reapplying for temporary protection, for which they have previously been rejected.

The Government's position on border protection has not changed. Anyone who arrives in Australia illegally by boat will not be resettled permanently. Anyone who is found not to be owed protection will be expected to leave Australia.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.