

# Australian government continues to imprison Tamil refugee family

By Max Newman  
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The Australian government is still imprisoning a Tamil refugee family on Christmas Island in the Indian Ocean, more than two years after Border Force officers, police and private Serco guards snatched them from their home in the rural central Queensland town of Biloela.

As part of Australia's anti-refugee "border protection" policy, the Liberal-National Coalition government is seeking to deport the family to Sri Lanka and derail their appeals in court. After the latest Federal Court hearing finished in Melbourne last month, they could have to wait months to know if they will be allowed to return to their Queensland home.

The court case involves a family of four. Nadesalingam (Nades) and Kokilapathmapriya (Priya) both fled from Sri Lanka and arrived by boat separately in 2012 and 2013 respectively. The couple met after arriving, married and had two daughters, Kopika, now 4, and Tharunicaa, now 2.

A "Home to Bilo" campaign organised by Biloela residents has amassed more than 270,000 petition signatures, and the "Bring Priya, Nades and their Girls Home To Biloela" Facebook page is followed by more than 12,000 people.

Despite the widespread support, Home Affairs Minister Peter Dutton has repeatedly rejected calls to use his discretionary powers to intervene. Echoing US President Donald Trump, he has contemptuously accused the couple of having "anchor babies" to try to stay in the country.

After settling in Biloela, where Nades got a job as a meat worker, the family lived for four years integrated in the small community before they were snatched in a pre-dawn raid on March 5, 2018. Since then, they have faced imminent deportation, halted only by the determined fight of the town's people and last-minute

court injunctions obtained by their legal team.

In total, the family has spent more than two years behind bars. This means Tharunicaa has spent the majority of her life detained.

Applications for asylum by Priya and Nades were turned down by the government, despite them facing state persecution if they are deported to Sri Lanka. The latest court hearing, on February 25, concerned the visa application for Tharunicaa.

In 2017, under the government's "fast track assessment" program, asylum seekers on temporary bridging visas were given just 60 days to apply for a new refugee protection visa. The government is asserting that their Migration Act requires an infant born in Australia to apply for its own refugee protection within 60 days of its birth.

Tharunicaa was born after Priya lodged her own application for the new visa, but the government has maintained that the period in which Tharunicaa could have applied has passed.

The hearing last month centred on whether Dutton or Immigration Minister David Coleman had considered allowing Tharunicaa to apply for a visa and if the process of making their decision was fair. This is the last legal avenue to prevent the family's deportation.

The continued persecution of this family is in violation of the 1951 Refugee Convention, which established that asylum seekers have the right to flee persecution and cannot be forcibly returned if they face an ongoing danger of mistreatment.

Tamil refugees sent back to Sri Lanka face imprisonment and torture, forcing many into hiding. Given the high profile of their case, the government of President Gotabaya Rajapakse is almost certain to make an example of the family to intimidate other potential asylum seekers.

One of the “Home to Bilo” organisers, Angela Fredericks, told SBS News last month that the campaign would continue, regardless of the court outcome.

The treatment of this working class family is a sharp example of the criminal practice of successive Australian governments in punishing and scapegoating asylum seekers. Priya and Nades arrived in Australia under the Gillard Labor government, which banned any refugee arriving by boat from applying for a protection visa.

Stuck in a legal limbo, Priya and Nades were among some 30,000 asylum seekers who were given just 60 days to complete complex 60-page documents to apply for new visas under the Coalition government in 2017.

Despite the public support for the family, the government has attempted to deport them multiple times. Last September, the family was again saved by a determined campaign and a legal injunction.

In a punitive response, the government flew the family nearly 5,000 kilometres to a detention camp on the remote Christmas Island. There they have remained as the only refugee family on the island.

As a result, the family sees almost nobody else on the island except for detention guards. Twice a week they are brought out of detention to visit the island’s recreation centre. Kopika and Tharunicaa have almost no opportunity to see children their own age.

The only other people in the detention centre have been about 200 people evacuated from China’s Hubei Province and held in 14-day quarantine as a response to the coronavirus pandemic. The family was kept isolated from them.

By attempting to deport the family, the Coalition is enforcing policies set in place by the previous Labor government. In 2012, Prime Minister Julia Gillard declared that all Tamil refugees would be forcibly repatriated to Sri Lanka, even though Sri Lankan governments had waged a three-decade anti-Tamil communal war, and were continuing to persecute Tamils and political opponents.

Labor also reopened the brutal detention centres on Papua New Guinea’s Manus Island and Nauru, in line with the original introduction of mandatory detention for refugees by the Keating Labor government in the 1990s. The Greens, who claim to be refugee advocates, were in a de-facto coalition with the minority Gillard

government as it abrogated the right to seek asylum.

The inhuman treatment of this family is part of an international assault on refugees, from the US-Mexico border to Europe and the world over. The unrelenting pursuit of their deportation by the Australian government underscores the necessity for the working class to come to the defence of all asylum seekers, as part of the global fight against the capitalist nation-state system.

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