



Media release

Senator Chris Evans

Leader of the Government in the Senate
Minister for Immigration and Citizenship

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Minister grants permanent visa to Buddhaholy

The Minister for Immigration and Citizenship, Senator Chris Evans, said today that he has granted a permanent visa to Buddhaholy Sui so he can live and study in Australia.

Senator Evans said that after assessing the 13-year-old's case carefully, he exercised his public interest power under section 351 of the *Migration Act* to enable the teenager to remain in Australia lawfully.

Although born in Australia, Buddhaholy is a Canadian citizen who currently lives in a Buddhist community under the care of his legal guardian. His mother is in Canada but is unfit to care for him and his father's whereabouts are unknown.

The Convention on the Rights of the Child, to which Australia is a party, requires the best interests of the child to be treated as a primary consideration – no matter what the child's immigration status.

"Buddhaholy is a minor and in making my decision I have considered what is in his best interests," Senator Evans said.

"He has resided in Australia for most of his life and has significant ties to the Tasmanian community and the Buddhist community in particular.

"He has the support of his legal guardian, his school and the local community and has expressed a desire to remain in Australia and finish his schooling.

"Buddhaholy's parents are currently unable to care for him so I believe it is in his best interests to remain with his legal guardian who can provide the appropriate care and a stable home for him."

Federal Member for Denison, Duncan Kerr, welcomed the news.

"I am delighted for the Tasmanian Buddhist community that one of their youngest members, Buddhaholy, has gained permanent residency," Mr Kerr said.

"This is a decision in the interests of the child, but also one that the entire Tasmanian community will celebrate."

Mr Kerr has been invited to celebrate the announcement with Master Wang, Buddhaholy, and the Buddhist community at their annual Bathing Buddha Holy Ceremony this Sunday, May 3.

Buddhaholy was born in Australia but moved to Canada with his mother when he was nine.

He was removed from his mother by Canadian authorities in 2005 and placed in the care of the Canadian Child, Family and Community Service after concerns were raised about his welfare.

In 2006, the Provincial Court of British Columbia awarded sole custody and guardianship of Buddhaholy to Master Xin-De Wang, an Australian citizen who heads a Buddhist community in Hobart. Buddhaholy then returned to Hobart with Master Wang in 2008.

His original application for a permanent visa was refused by the department in May 2008 and affirmed by the Migration Review Tribunal in November 2008 before a request for Ministerial intervention was received.

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