

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Ms X and her daughters who have remained in immigration detention for more than 36 months (three years).

The first report 1003161 was tabled in Parliament on 3 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

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| Name | Ms X (and daughters) |
| Citizenship | Stateless (claimed), born in Country A |
| Year of birth | 1973 |

Family details

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|-----------------------|---|---|
| Family members | Miss Y (daughter) | Miss Z (daughter) |
| Citizenship | Stateless (claimed), born in Country B ¹ | Stateless (claimed), born in Country B ² |
| Year of birth | 2005 | 2007 |

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|--------------------------------|--|
| Ombudsman ID | 1001917-O |
| Date of DIBP's reports | 22 January 2016 and 22 July 2016 |
| Total days in detention | 1094 (at date of DIBP's latest report) |

Recent detention history

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| Since the Ombudsman's previous report (1003161), Ms X and her daughters have remained in community detention. |
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Recent visa applications/case progression

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| 14 April 2014 | The Department of Immigration and Border Protection (DIBP) notified the family of the unintentional release of personal information ³ and advised that the privacy breach would be taken into account when considering their protection claims. |
| 29 September 2015 | The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Ms X and her daughters to lodge a temporary visa application. |
| 16 November 2015 | DIBP invited Ms X and her daughters to apply for a temporary visa. |

¹ Miss Y's place of birth was originally recorded as Country A, until DIBP's review of 22 July 2016 which recorded it as Country B.

² Miss Z's place of birth was originally recorded as Country A, until DIBP's review of 22 July 2016 which recorded it as Country B.

³ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

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| 8 March 2016 | Ms X was notified that her family was eligible to receive the Primary Application Information Service to assist them with lodging a temporary visa application. She accepted the offer on 1 April 2016 and was assigned a provider. |
| 6 June 2016 | Ms X and her daughters lodged a Safe Haven Enterprise visa (SHEV) application. |
| 8 December 2016 | DIBP advised that the family's case had been identified for assessment against the guidelines under s 195A. ⁴ |

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X continues to be monitored and treated for type 2 diabetes and gastric concerns. She was awaiting an ophthalmology appointment at the time of the IHMS report and remains on prescribed medication for both conditions.

Miss Y

IHMS advised that Miss Y continues to be monitored and treated for recurrent tonsillitis and a foot and knee abnormality which require specialist review. She was prescribed with antibiotics and remains on waiting lists to see an ear, nose and throat (ENT) surgeon and orthopaedic specialist.

Miss Z

IHMS advised that Miss Z remained on an ENT surgery waiting list to treat her recurrent ear and throat infections.

Other matters

Ms X's brother, Mr P, and her son, Mr Q, are Australian permanent residents.

Case status

Ms X and her daughters were detained on 24 July 2013 after arriving in Australia by sea and have been held in detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Ms X and her daughters to apply for a temporary visa and on 6 June 2016 Ms X and her daughters lodged a SHEV application.

⁴ In its 30 and 36-month reviews, dated 22 January and 22 July 2016, DIBP stated that Ms X and her daughters case was being assessed against the guidelines under s 195A. On 8 December 2016, DIBP advised they had only been identified for assessment against the guidelines.