

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 daughter who remained in immigration detention for more than 36 months (three years).

The first report 1001650 was tabled in Parliament on 13 May 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and daughter)
Citizenship	Country A
Year of birth	1991
Total days in detention	1095 (at date of DIBP's report)

Family details

Family members	Miss Y (daughter)
Citizenship	Country A, born in Australia
Year of birth	2013
Total days in detention	801 (at date of DIBP's report)

Ombudsman ID	1002815
Date of DIBP's report	19 June 2015

Recent detention history

Since the Ombudsman's previous report (1001650), Ms X and her daughter remained at Sydney Immigration Residential Housing.	
September 2015	Ms X and her daughter were released from detention when they were involuntarily removed and returned to Country A.

Recent visa applications/case progression

16 January 2015	The Department of Immigration and Border Protection (DIBP) notified Ms X of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of her case engage Australia's <i>non-refoulement</i> obligations.
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19 June 2015	<p>DIBP advised that after considering further information provided by Ms X, it finalised the ITOA, determining Ms X's case did not engage Australia's <i>non-refoulement</i> obligations.</p> <p>DIBP further advised that as Ms X and her daughter had no matters before DIBP, the courts or tribunals, they were referred for removal action. DIBP advised that it had obtained a travel document for Ms X and was considering whether there were any legal impediments preventing her removal from Australia.</p>
September 2015	Ms X and her daughter were involuntarily removed from Australia.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X continued to receive treatment and regular support from the mental health team, including parenting classes and group counselling.

Miss Y

IHMS advised that Miss Y was admitted to hospital on multiple occasions after experiencing febrile convulsions. She was reviewed by a paediatrician and referred for an investigative procedure, which was cancelled following her removal from Australia.

Other matters

Ms X's son, Master Z, resides in Australia under the care of his grandparents.

Case status

Ms X and her daughter had no matters before DIBP, the courts or tribunals. In September 2015 they were involuntarily removed from Australia and returned to Country A.