

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Ms X and her daughter who remained in immigration detention for more than 24 months (two years).

Name	Ms X (and daughter)
Citizenship	Country A
Year of birth	1986

Family details

Family members	Miss Y (daughter)
Citizenship	Country A
Year of birth	2005

Ombudsman ID	1002565
Date of DIBP's report	26 May 2015
Total days in detention	750 (at date of DIBP's report)

Detention history

6 May 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland aboard Suspected Illegal Entry Vessel (SIEV) 691 <i>Romsey</i> . They were transferred to Darwin Airport Lodge Alternative Place of Detention (APOD).
23 May 2013	Transferred to Wickham Point APOD.
13 May 2014	Transferred to Bladin Point APOD.
12 August 2014	Transferred to community detention.
20 May 2015	Granted Bridging visas and released from detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that as Ms X and her daughter arrived in Australia as 'direct entry persons' ¹ they are not barred under s 46A from lodging a Protection visa application.	
14 August 2013	DIBP determined that Ms X and her daughter did not engage Australia's <i>non-refoulement</i> obligations and were 'screened out' of the refugee status determination and complementary protection process.
30 August 2013	DIBP advised that following a reassessment of Ms X and her daughter's claims, they were 'screened in' to the protection process. No further information was provided.

¹ A maritime arrival to Australia's mainland who is seeking protection. Maritime arrivals who arrived as 'direct entry persons' after 13 August 2012 and before 20 May 2013 are not subject to the s 46A bar.

18 June 2014	Lodged a Protection visa application.
16 April 2015	Ms X attended an interview in relation to her Protection visa application.
15 May 2015	DIBP notified Ms X that following legislative amendment, her Protection visa application is being processed as a Temporary Protection visa (TPV) application.
20 May 2015	Granted Bridging visas.

Health and welfare

Ms X

May 2013	International Health and Medical Services (IHMS) advised that Ms X disclosed a history of torture and trauma and accepted a referral for specialist counselling.
27 May 2013 – 20 January 2014	Attended 14 counselling sessions. Prior to her release from detention, her mental health was monitored by her general practitioner (GP).
October 2013	Ms X presented to a GP with injuries related to previous trauma and was referred to a hospital outpatient's clinic for assessment. IHMS advised that two further referrals were provided following scheduling issues and Ms X's transfer to an alternative detention facility.
(date not provided)	Following Ms X's transfer to community detention, she was provided with a further referral to a specialist. IHMS advised that the referral was declined as it fell outside of community standards. Ms X was placed on a public hospital waiting list and continued to be monitored by the GP.

Miss Y

IHMS provided details of Miss Y's health and welfare. No significant ongoing physical health concerns were noted.	
July 2013	IHMS reported that Miss Y and her mother attended weekly counselling sessions.
23 October 2013	During a mental health assessment, IHMS was advised that Miss Y had threatened self-harm to her mother on two occasions and was experiencing symptoms of situational stress. Prior to her release from detention, Miss Y's mental health was monitored by her GP and no further concerns had been reported.

Case status

<p>Ms X and her daughter were granted Bridging visas on 20 May 2015 and released from immigration detention.</p> <p>At the time of DIBP's latest review, Ms X had lodged a Protection visa application. Following legislative amendment, her application is being processed as a TPV application.</p>
