

**REPORT (ABRIDGED) BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Ms X and her son who remained in immigration detention for more than 48 months (four years).

The first report 1001137 was tabled in Parliament on 11 December 2013, the second report 1001427 was tabled in Parliament on 24 September 2014 and the third report 1001729 was tabled in Parliament on 13 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X (and son)
Citizenship	Country A
Year of birth	1967
Ombudsman ID	1003045
Date of DIBP's report	21 July 2015

Recent detention history

22 October 2015	Granted Bridging visas and released from community detention.
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Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that Ms X and her son have been found to be owed protection under the Refugee Convention. As the Minister has not yet lifted the s 46A bar under the Migration Act 1958, no processing of their protection claims has commenced.

Health and welfare

Ms X continued to be provided with treatment for physical health issues including cervical spine degeneration.

Ms X's son continued to be provided with treatment for significant health issues including cerebral palsy, leg paralysis, and learning and speech difficulties.

Other matters

Ms X and her son were previously reported on with her husband, Mr Y. The couple are now estranged and Mr Y was granted a Bridging visa on 20 May 2015.

Ombudsman assessment/recommendation

Ms X and her son were granted Bridging visas on 22 October 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her son were held in detention for over four years before being granted Bridging visas. The Ombudsman further notes that Ms X and her son have been found to be owed protection under the Refugee Convention, and at the time of DIBP's review processing of their claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of the family's protection claims commence as soon as possible.