

**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 Mr X and Ms Y who have remained in immigration detention for more than 36 months (three years).

The first report 1003215 was tabled in Parliament on 24 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1985

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1991

Ombudsman ID	1001965-O
Date of DIBP's reports	9 February 2016 and 9 August 2016
Total days in detention	1094 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1003215), Mr X and his family ¹ remained at Wickham Point Alternative Place of Detention.	
21 October 2015	Transferred to community detention.

Recent visa applications/case progression

6 October 2015	The Minister intervened under s 197AB of the <i>Migration Act 1958</i> to allow Mr X and his family to reside in community detention.
27 May 2016	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
24 June 2016	Mr X and his family were notified that they were eligible to receive the Primary Application Information Service (PAIS) to assist them with lodging a temporary visa application. They accepted the offer on 30 June 2016 and were assigned a PAIS provider.

¹ Miss Z was born in Australia in December 2014 and detained on 6 January 2015. She has been in detention for less than two years and is not subject to reporting under s 486N.

Other legal matters

9 February 2016	The Department of Immigration and Border Protection (DIBP) advised that Mr X was previously a person of interest to the Australian Federal Police (AFP) following allegations of inappropriate behaviour. The AFP investigated the claims and on 10 December 2013 informed DIBP that no further action would be taken.
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Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that in May 2016 Mr X requested assistance from a general practitioner to cease smoking and was prescribed with a 12-week course of medication.
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Ms Y

IHMS advised that Ms Y returned a positive pregnancy test in November 2015 and was referred for antenatal care.	
June 2016	Ms Y gave birth to her second daughter ² without complication.

Case status

<p>Mr X and Ms Y were detained on 11 August 2013 after arriving in Australia by sea and have been held in detention for over three years.</p> <p>On 27 May 2016 the Minister lifted the bar under s 46A to allow Mr X and Ms Y to apply for a temporary visa. On 30 June 2016 Mr X and Ms Y accepted the PAIS assistance and were assigned a provider to assist with lodging their application.</p>

² Mr X and Ms Y's second daughter (name not provided) was born in Australia in June 2016. She has been in detention for less than two years and is not subject to reporting under s 486N.