

**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 family who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1002138 was tabled in Parliament on 14 October 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and family)
Citizenship	Country A
Year of birth	1968

Family details

Family members	Miss Y (daughter)	Miss Z (granddaughter)
Citizenship	Country A	Country A
Year of birth	2002	2009

Ombudsman ID	1001212-O
Date of DIBP's reports	14 December 2015 and 11 June 2016
Total days in detention	1276 (at date of DIBP's latest report)

Detention history

13 December 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 560 <i>Mercury</i> . The family was transferred to an Alternative Place of Detention (APOD), Christmas Island.
25 March 2013	Transferred to Inverbrackie APOD.
18 September 2013	Transferred to community detention.
Ms X's nephew, Master P, resides in community detention with Ms X and her family. Master P is the subject of Ombudsman report 1002577.	

Recent visa applications/case progression

3 September 2013	The former Minister intervened under s 197AB to allow the family to reside in community detention.
13 March 2014	The Department of Immigration and Border Protection (DIBP) notified the family of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering the family's protection claims.

¹ 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.

25 August 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
28 August 2015	DIBP invited the family to lodge a temporary visa application.
22 December 2015	Master P lodged a Safe Haven Enterprise visa (SHEV) application with the family included as dependants.
22 April 2016	Miss Z was notified that she was assessed as eligible to receive the Primary Application Information Service (PAIS) to assist her with lodging a temporary visa application.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X was referred to a cardiologist in April 2013. IHMS advised that this referral remained outstanding at the time of its latest report.

Miss Y and Miss Z

IHMS advised that Miss Y and Miss Z have not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

Ms X and her family were detained on 13 December 2012 after arriving in Australia aboard SIEV *Mercury* and have been held in detention for over three and a half years.

On 25 August 2015 the Minister lifted the bar under s 46A to allow the family to apply for a temporary visa and on 22 December 2015 Master P lodged an application for a SHEV with Ms X and her family included as dependants.

On 22 April 2016 Miss Z was notified that she was assessed as eligible to receive PAIS.