

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 X¹ and her children who remained in immigration detention for more than 24 months (two years).

Name	Ms X (and children)
Citizenship	Stateless (claimed), born in Country A
Year of birth	1985

Family details

Family members	Master Y (son)	Miss Q (daughter)	Master P (son)
Citizenship	Stateless (claimed), born in Country A	Stateless (claimed), born in Country A	Stateless (claimed), born in Country A
Year of birth	2004	2006	2008

Ombudsman ID	1002506
Date of DIBP's report	18 May 2015
Total days in detention	744 (at date of DIBP's report)

Detention history

4 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) 688 <i>Oundle</i> . They were transferred to Darwin Airport Lodge Alternative Place of Detention (APOD).
17 July 2013	Transferred to Bladin APOD.
26 September 2013	Transferred to community detention.
30 July 2015	Granted Bridging visas and released from detention.

Visa applications/case progression

28 February 2014	Lodged a Protection visa application. The Department of Immigration and Border Protection (DIBP) advised that as Ms X and her children arrived in Australia as 'direct entry persons' ² they were not barred under s 46A from lodging a Protection visa application. DIBP further advised that following legislative amendment, Ms X and her children are only eligible for temporary visas.
31 October 2014	DIBP advised that Ms X's identity could not be confirmed.

¹ Ms X's 24 month review recorded her name as Ms Y [no first name provided]. On 23 October 2015 in further information provided by DIBP her name was recorded as Ms X.

² A maritime arrival to Australia's mainland who is seeking protection.

13 February 2015	Ms X and her children attended an interview in relation to their Protection visa application.
30 July 2015	Granted Bridging visas.

Health and welfare

Ms X

5 August 2013	A DIBP Incident Report recorded that Ms X was taken to hospital by ambulance following advice from International Health and Medical Services (IHMS). No further information was provided.
19 September 2014	An ultrasound identified an abscess.
24 September 2014	Ms X was admitted to hospital for further investigation of the abscess and leg pain and numbness in her feet. She was diagnosed with extra pulmonary tuberculosis (TB).
3 October 2014	Discharged from hospital and prescribed with TB medication.
18 May 2015	IHMS recorded that Ms X continued to attend the infectious diseases clinic with her last review completed in April 2015.

Master Y

25 May 2015	IHMS advised that Master Y did not require treatment for any major physical or mental health issues.
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Miss Q

March 2015 – ongoing	Attended a routine appointment with her general practitioner (GP) and pathology tests were conducted. Results identified TB and she was reviewed at a children's hospital. The hospital confirmed evidence of TB and she was prescribed with a nine-month course of medication and advised to follow up with the hospital. She is monitored by her GP as per state policy.
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Master P

7 May 2013 – ongoing	During his health induction assessment Ms X advised that Master P suffers from Stevens-Johnson syndrome, a life threatening skin condition. IHMS advised that there had been no record of the condition occurring since arriving in Australia.
3 July 2013	IHMS advised that Master P was allegedly assaulted by another child and their father and received a scratch on his face. He was monitored by the mental health team for two weeks following the incident.
20 July 2013	Master P attended a follow-up assessment after the incident of 3 July 2013 and his mother advised that she had no further concerns and he did not require further review.

Detention incidents

6 June 2013	A DIBP Incident Report recorded that Ms X was allegedly verbally abused by two detainees when she was detained at Darwin Airport Lodge APOD and that she had her clothes pulled off her during the incident. The matter was reported to the Northern Territory Police. No charges were filed and the two detainees who allegedly assaulted Ms X were transferred to another compound.
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Case status

Ms X and her family were detained on 4 May 2013 after arriving on the Australian mainland aboard SIEV *Oundle* and were held in detention for over two years before being granted Bridging visas on 30 July 2015.

Ms X and her children are awaiting the assessment of their Protection visa application lodged on 28 February 2014.