

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fifth s 486O assessment on Ms X and her daughter, Miss Y, who have remained in immigration detention for more than 78 months (six and a half years) and 54 months (four and a half years) respectively. The previous assessment 1000742-O was tabled in Parliament on 23 November 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Ms X (and daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1976
<b>Total days in detention</b>	2,368 (at date of DIBP's latest report)

### Family details

<b>Family members</b>	Miss Y (daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2012
<b>Total days in detention</b>	1,711 (at date of DIBP's latest report)

<b>Ombudsman ID</b>	1000742-O1
<b>Date of DIBP's reports</b>	26 November 2016 and 28 May 2017

### Recent detention history

Since the Ombudsman's previous assessment (1000742-O), Ms X and Miss Y have continued to be placed in the community.<sup>1</sup> They reside with Ms X's son, Mr Z, who arrived after Ms X and is the subject of Ombudsman assessment 1001700-O1.

### Recent visa applications/case progression

31 August 2016	Ms X's adult daughter, Ms P, <sup>2</sup> lodged a Safe Haven Enterprise visa (SHEV) application that listed her mother and brother, Mr Z, as dependents.
28 May 2017	The Department of Immigration and Border Protection (the department) advised that Miss Y's father, Mr Q, <sup>3</sup> has reported that he intends to list Miss Y as a dependent in either a Temporary Protection visa (TPV) or SHEV application that he was yet to lodge.

<sup>1</sup> Ms X and Miss Y were granted a placement in the community under s 197AB and remain in immigration detention.

<sup>2</sup> Ms P was granted a bridging visa on 29 May 2014 and was released from immigration detention.

<sup>3</sup> Mr Q is estranged from Ms X.

## Health and welfare

### *Ms X*

International Health and Medical Services (IHMS) advised that Ms X continued to be monitored for diabetes, back pain and breathing concerns and at the time of IHMS's report was awaiting appointments with a podiatrist and an ear, nose and throat specialist.

Ms X was confirmed to be pregnant in November 2016 and the baby was delivered in late May or early June, with an exact date yet to be advised.

IHMS further advised that Ms X continued to be reviewed by a general practitioner as required for the management of depression and anxiety with no mental health concerns reported.

3 May 2017

An Incident Report recorded that Ms X was admitted to a hospital following breathing difficulties.

### *Miss Y*

IHMS advised that Miss Y did not receive treatment for any major physical or mental health concerns during this assessment period.

7 April 2017

An Incident Report recorded that Miss Y was admitted to hospital for review of a urological concern and was discharged the following day.

## Case status

Ms X was detained on 2 December 2010 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for more than six and a half years. Miss Y was detained on 19 September 2012 following her birth to parents in immigration detention and has been held in detention for more than four and a half years.

On 31 August 2016 Ms X's daughter, Ms P, lodged a SHEV application that listed Ms X and Mr Z as dependents.

The department advised that Miss Y's father, Mr Q, has reported that he intends to list Miss Y as a dependent in either a TPV or SHEV application that he was yet to lodge.