

REPORT FOR TABLING IN PARLIAMENT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN

Under s 486O of the Migration Act 1958

Personal identifier: 291/07

Case overview

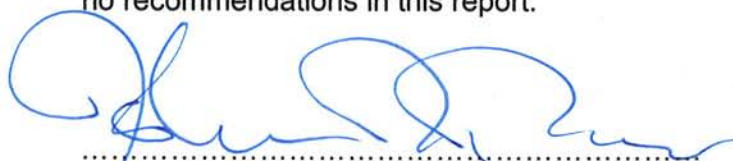
1. Miss X is aged five and was born at Villawood Immigration Detention Centre (IDC) while her Malaysian mother, Ms Y, was detained at Villawood IDC. Ms Y was released from detention prior to the commencement of the Ombudsman's function under s 486O therefore the Department (DIAC) was not required to provide a report on Ms Y to the Ombudsman under s 486N.
2. Miss X was detained at the time of her birth as an unlawful non-citizen under s 189(1) of the *Migration Act 1958*. Miss X and her mother were released on Bridging Visas (BV) in May 2005. In November 2005, Miss X was re-detained and placed in a residence determination arrangement under the care of her mother. DIAC advises that Miss X was not immigration-cleared, therefore she could not be considered for a BV.
3. The DIAC decision to refuse Miss X's application for a Protection Visa in June 2005 was affirmed by the Refugee Review Tribunal in October 2005. A s 417 request resulted in the Minister granting Miss X and Ms Y Global Special Humanitarian Visas (GSHV) on 9 August 2007.

Ombudsman consideration

4. The DIAC reports to the Ombudsman under s 486N are dated 6 December 2006 and 11 May 2007.
5. Ombudsman staff interviewed Ms Y, Miss X's mother, on 14 February 2007.

Ombudsman assessment/recommendation

6. The Ombudsman notes that Miss X and Ms Y are now the holders of GSHVs and makes no recommendations in this report.



Prof. John McMillan
Commonwealth and Immigration Ombudsman

19 November 2007
Date