

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 daughter who have remained in immigration detention for more than 30 months (two and a half years).

The first report 1002870 was tabled in Parliament on 21 October 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and daughter)
Citizenship	Country A
Year of birth	1945

Family details

Name	Ms Y (daughter)
Citizenship	Country A
Year of birth	1983

Ombudsman ID	1001653-O
Date of DIBP's report	26 October 2015
Total days in detention	912 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002870), Ms X and her daughter have remained in community detention.

The Department of Immigration and Border Protection (DIBP) advised that Ms X arrived in Australia with her second daughter, Ms Z, and her granddaughter, Miss Q, who were granted Bridging visas and reside in the community.

Recent visa applications/case progression

DIBP advised that prior to ministerial intervention, Ms X and her daughter were part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A of the <i>Migration Act 1958</i> .	
13 March 2014	DIBP notified Ms X and her daughter of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering their protection claims.
29 September 2015	The Minister lifted the bar under s 46A to allow Ms X and her daughter to lodge a temporary visa application.

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.

Health and welfare

Ms X

International Health and Medical Services (IHMS) reported that Ms X continued to be monitored and treated by a general practitioner (GP) for ongoing health concerns including her impaired mobility following a stroke in 2009, heart disease, vertigo, cataracts, hypertension and high cholesterol, chronic back pain and osteoporosis.	
13 May 2015 – 6 October 2015	IHMS advised that Ms X's case worker had disclosed concerns to the general practitioner (GP) about Ms X's depression and anxiety. Ms X's daughter also reported that her mother's depression had increased and her memory had decreased since she ceased her prescribed medication. The GP prescribed her with an increased dose of antidepressant medication.
19 May 2015	The GP noted that Ms X's vertigo had improved and there were no major concerns. The GP also noted that her chronic back pain was consistent with osteoporosis.
June 2015	Underwent an electrocardiogram (ECG) to review her ischemic heart disease. The results were normal and IHMS advised that there were no major concerns and she was monitored by the GP. The GP also reviewed her shoulder pain caused by a tear (date of injury unknown) and discussed a referral for a magnetic resonance imaging (MRI) scan, as Ms X had declined further injections. Ms X declined the MRI referral and advised her shoulder pain had improved. The GP continued to monitor her condition.
11 June 2015	Ms X complained of throat pain with difficulty swallowing. She was prescribed with medication and referred for tests. An appointment was pending at the time of the latest IHMS report.
7 July 2015	The GP diagnosed her with an early stage of Alzheimer's disease. She was advised that a future neurology review may be needed.

Ms Y

13 May 2015 – 1 October 2015	IHMS advised that Ms Y's gastric issues and tremor were managed by a GP and treated with prescribed medication.
19 August 2015	Attended an ECG appointment following a two-week history of chest pain and heart palpitations. Results identified a possible cardiac ischemia. IHMS advised that a blood test was ordered.
28 August 2015	Ms Y attended a psychological assessment following her request for counselling support. She presented with signs of anxiety and possible trauma symptoms and noted psychomotor agitation particularly in her hands. The psychologist advised that based on Ms Y's reported learning difficulties she may have a mild impairment and recommended ongoing counselling.
10 September 2015 – 21 September 2015	Attended four psychological counselling appointments.
16 September 2015	Presented to her GP with shoulder bursitis. She was referred to a specialist.

1 October 2015	IHMS advised that Ms Y would continue to be provided with psychological counselling.
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Case status

Ms X and her daughter were detained on 27 April 2013 after arriving in Australia aboard Suspected Illegal Entry Vessel *Dawlish* and have been held in immigration detention for over two and a half years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Ms X and her daughter to lodge a temporary visa application. They are awaiting an invitation to apply for a temporary visa.