

**REPORT (ABRIDGED) 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 remained in immigration detention for more than 30 months (two and a half years).

The first report 1001896 was tabled in Parliament on 18 March 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Ms X (and daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982
<b>Ombudsman ID</b>	1003298
<b>Date of DIBP's report</b>	25 March 2015

**Detention history**

10 September 2012	Ms X, her husband, Mr Y, and their daughter were detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 443 <i>Xylopia</i> .  The family were transferred to community detention (no date provided).
4 March 2015	Mr Y died after being diagnosed with incurable peritoneal cancer in July 2014. <sup>1</sup>
20 July 2015	Ms X and her daughter were granted Bridging visas and released from community detention.

**Visa applications/case progression**

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, 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 the Minister had not lifted the bar under s 46A.

**Health and welfare**

Ms X and her daughter were provided with treatment and counselling for a range of physical and mental health issues including depression and grief.

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<sup>1</sup> Mr Y was placed on a palliative chemotherapy regime following his diagnosis.

**Ombudsman assessment/recommendation**

Ms X and her daughter were granted Bridging visas on 20 July 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her daughter were held in detention for over two and a half years before being granted Bridging visas. The Ombudsman further notes that, at the time of DIBP's review, processing of their claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Ms X and her daughter's protection claims commence as soon as possible.