

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Ms X and her sons who remained in immigration detention for more than 42 months (three and a half years).

The first report 1001428 was tabled in Parliament on 18 June 2014 and the second report 1001731 was tabled in Parliament on 11 February 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X (and sons)
Citizenship	Country A
Year of birth	1968

Family details

Family members	Mr Y (son)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1997	2001

Ombudsman ID	1002208
Date of DIBP's reports	22 January 2015 and 20 July 2015
Total days in detention	1,278 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001731), Ms X and her sons remained in community detention.

Ms X's husband, Mr Q, arrived in Australia with his wife and two sons. He remains at Melbourne Immigration Transit Accommodation and is the subject of Ombudsman report 1002209.

2 October 2015	Granted Bridging visas and released from detention.
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Recent visa applications/case progression

18 November 2014	Ms X and her family, including her husband, Mr Q, requested ministerial intervention by the former Minister for consideration to lift the s 46A bar of the <i>Migration Act 1958</i> to allow the family to apply for a visa. The submission also requested the Minister's consideration to grant Mr Q a community detention placement under s 197AB to allow Ms X and her sons to be reunited with her husband.
7 January 2015	The ministerial intervention submission was returned unsigned following a change in portfolio Minister. The Department of Immigration and Border Protection (DIBP) resubmitted the ministerial invention submission to the new Minister for consideration.

5 March 2015	The Minister declined to intervene under s 197AB to allow Mr Q to join his family in community detention.
11 March 2015	The Minister lifted the bar under s 46A to allow Ms X and her sons to lodge a Temporary Protection visa (TPV) application.
27 May 2015	Lodged an application for a Bridging visa, however under s 91K the application was deemed invalid.
19 June 2015	Ms X and her sons lodged an application for a TPV.
2 October 2015	Granted Bridging visas.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Mr Y

28 April 2015 – ongoing	The general practitioner (GP) referred Mr Y to a psychologist following symptoms of low mood and stress. IHMS advised it had no record of whether he attended an appointment. No further information was provided.
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Master Z

27 May 2015 – ongoing	The GP referred Master Z to a psychologist following symptoms of stress, anxiety and depression. IHMS advised it had no record of whether he attended an appointment. No further information was provided.
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Case status

Ms X and her sons are awaiting the outcome of their TPV application. They were granted Bridging visas on 2 October 2015 and released from immigration detention.