

REPORT (ABRIDGED) BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the first s 486O report on Ms X and her granddaughter who remained in restricted immigration detention for more than 24 months (two years).

Name	Ms X (and granddaughter)
Citizenship	Country A
Year of birth	1974
Ombudsman ID	1002221-O
Date of DIBP's report	26 November 2015

Detention history

11 November 2013	<p>Ms X and her 11-month-old granddaughter Miss Y were detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 862 <i>Tuscalossa</i>.</p> <p>The Department of Immigration and Border Protection (DIBP) advised that Ms X's husband Mr Z¹ arrived with her but as they did not identify their relationship he was transferred to Manus Island Regional Processing Centre.</p> <p>The family was reunited on 24 May 2014.</p>
1 December 2015	Granted Bridging visas and released from restricted detention.

Visa applications/case progression

DIBP advised that prior to being released from detention, Ms X and her family 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 was provided with treatment and counselling for a range of physical and mental health issues including post-traumatic stress disorder, anxiety and an adjustment disorder.

Other matters

18 August 2015	<p>A DIBP Incident Report recorded that Mr Z alleged that his daughter [i.e. granddaughter] Miss Y may have been sexually assaulted.</p> <p>International Health and Medical Services advised that Miss Y was reviewed at Royal Darwin Hospital the same day and no concerns were noted.</p>
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¹ Mr Z is not subject to reporting under s 486O as he was released before he reached two years in immigration detention.

Ombudsman assessment/recommendation

Ms X and her granddaughter were granted Bridging visas on 1 December 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her granddaughter were held in detention for over two 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 the family's protection claims commence as soon as possible.