

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

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

The first report 1001294 was tabled in Parliament on 19 March 2014, the second report 1001517 was tabled in Parliament on 27 August 2014 and the third report 1001963 was tabled in Parliament on 17 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X (and daughter)
Citizenship	Country A
Year of birth	1974

Family details

Family members	Miss Y (daughter)
Citizenship	Country A
Year of birth	2000

Ombudsman ID	1002466
Date of DIBP's report	7 May 2015
Total days in detention	1,283 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001963), Ms X and her daughter remained in community detention. They reside with Ms X's husband, Mr Z and her son, Mr B, who are the subjects of Ombudsman report 1001919.	
30 July 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

13 March 2014	Ms X and her daughter were issued with a letter inviting them to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ¹
18 July 2014	Ms X provided a verbal response concerning the privacy breach during a second Protection Obligations Evaluation (POE) interview.

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.

19 March 2015	DIBP advised Ms X of a change in the assessing officer conducting the second POE. She was given 14 days to provide further information related to the POE.
29 April 2015	Ms X provided further information for consideration in relation to the POE.
30 April 2015	The POE found Ms X and her daughter were found not to be owed protection.
7 May 2015	DIBP advised that Ms X and her daughter have no outstanding matters before DIBP, courts or tribunals and are on a removal pathway.
30 July 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Ms X

13 March 2015	International Health and Medical Services (IHMS) advised that Ms X presented to her general practitioner with fatigue following low blood levels caused by her previously diagnosed condition. As of 6 May 2015 Ms X was still awaiting an investigative procedure.
27 April 2015	Attended an initial physiotherapy appointment for her spinal condition that limits her mobility. Ms X was provided with a home program and further IHMS approved physiotherapy sessions.

Miss Y

IHMS advised that Miss Y did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

Ms X and her daughter have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. They have no matters before DIBP, courts or tribunals and are on a removal pathway.

Ms X and her daughter were granted Bridging visas with associated THS visas on 30 July 2015 and released from immigration detention.