

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

The first report 1002145¹ was tabled in Parliament on 3 June 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	1979

Family details

Family members	Miss Y (daughter)
Citizenship	Country A
Year of birth	2011

Ombudsman ID	1002791
Date of DIBP's report	23 June 2015
Total days in detention	919 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1002145), Ms X and her daughter remained in community detention with her husband, Mr Z.	
20 May 2015	Ms X separated from her husband, who is now the subject of a separate Ombudsman report.
27 August 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent 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 of the <i>Migration Act 1958</i> .	
27 August 2015	Granted Bridging visas with associated THS visas.

¹ Ms X and her daughter were previously reported on with her husband, Mr Z, who is the subject of a separate Ombudsman report.

Health and welfare

Ms X

16 December 2014 – 23 June 2015	International Health and Medical Services (IHMS) advised that Ms X's symptoms of anxiety and depression were treated and monitored.
June 2015	Ms X gave birth to her son ² without complication.

Miss Y

22 May 2015	IHMS advised that prior to Miss Y being released from detention she was awaiting an appointment with an ear, nose and throat specialist to review her tonsils.
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Ombudsman assessment/recommendation

Ms X and her daughter were granted Bridging visas with associated THS visas on 27 August 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her daughter were detained on 16 December 2012 after arriving in Australia aboard Suspected Illegal Entry Vessel *Swindler* and 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.

² Ms X's son (name not provided) was born in Australia in June 2015 and has been in detention for less than two years. He is not subject to reporting under s 486N.