

## 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 children who remained in immigration detention for more than 66 months (five and a half years).

The first report 1423/13 was tabled in Parliament on 26 June 2013, the second report 1001124 was tabled in Parliament on 25 June 2014 and the third report 1001705 was tabled in Parliament on 27 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Ms X (and children)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982

### Family details

<b>Family members</b>	Master P (son)	Miss Q (daughter)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	2001	2005

<b>Ombudsman ID</b>	1002976
<b>Date of DIBP's reports</b>	16 July 2015 and 11 January 2016
<b>Total days in detention</b>	2001 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001705), Ms X and her children remained in community detention.	
Ms X's first child, 17-year-old Master Y, <sup>1</sup> remained at Facility J.	
19 April 2016	Ms X, Master P and Miss Q were granted Bridging visas and released from community detention.

### Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Ms X and her children were part of a cohort who had not had their protection claims assessed as they arrived in Australia and were subject to the bar under s 46A of the <i>Migration Act 1958</i> .	
24 August 2015	The family's case was referred on a ministerial submission for consideration to lift the s 46A bar.

<sup>1</sup> Master Y was previously reported on together with his family. However, due to complexities in his case he is now reported on separately under s 486N. He is the subject of Ombudsman report 1002367-O.

25 August 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
1 September 2015	DIBP invited the family to lodge a temporary visa application.
4 November 2015	Ms X lodged a Safe Haven Enterprise visa (SHEV) application. Her children were included as dependants on the application.
16 December 2015	Ms X received a clear security assessment.
11 January 2016	The family's case was identified for assessment against the guidelines under s 195A for consideration of a Bridging visa.
19 April 2016	Ms X, Master P and Miss Q were granted Bridging visas.

### Health and welfare

#### *Ms X and Master P*

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

#### *Miss Q*

29 November 2014	Miss Q was reviewed by a general practitioner and referred to a dietician due to low weight and stature. However, IHMS had no record of her attending an appointment.
24 July 2015	IHMS advised that Miss Q attended a children's hospital. The outcome of this visit was not provided to IHMS.

### Recent detention incidents

#### *Master P*

29 January 2015 – 16 March 2015	DIBP Incident Reports recorded that Master P had been absent from school on 15 occasions and late to school on 12 occasions.
30 March 2015	A DIBP Incident Report recorded that Master P was suspended from school for two weeks.

### Ombudsman assessment

Ms X and her children, Master P and Miss Q, were granted Bridging visas on 19 April 2016 and released from immigration detention.

Ms X and her children were detained on 16 July 2010 after arriving in Australia aboard Suspected Illegal Entry Vessel *Mangerton* and were held in detention for over five and a half years before being granted Bridging visas.

On 25 August 2015 the Minister lifted the bar under s 46A to allow the family to apply for a temporary visa and on 4 November 2015 Ms X lodged a SHEV application including her children as dependants on her application.

The Ombudsman notes that Ms X's eldest son, Master Y, remains at Facility J. The Ombudsman makes no recommendations in this report.