

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

The first report 1001914¹ was tabled in Parliament on 13 May 2015. This report updates the material in that report and should be read in conjunction with the previous report.

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

Family details

Family members	Master Y (son)
Citizenship	Country A
Year of birth	2000

Ombudsman ID	1003325
Date of DIBP's report	8 April 2015
Total days in detention	Not provided

Detention history

Since the Ombudsman's previous report (1001914), Ms X and her son remained in community detention.	
6 May 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, Ms X and her son 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> .	
6 May 2015	Granted Bridging visas with associated THS visas.

¹ Ms X and her son were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 461 *Painter* and were detained on 28 September 2012.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X was provided with treatment for a range of ongoing physical and mental health issues which required specialist review and further investigation. IHMS advised that her history of torture and trauma had resulted in substantial mental health symptoms.

Master Y

IHMS advised that Master Y did not require treatment for any major physical or mental health issues.

Ombudsman assessment/recommendation

Ms X and her son were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her son were detained on 28 September 2013 after arriving in Australia aboard *SIEV Painter* 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 the family's protection claims commence as soon as possible.