

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 42 months (three and a half years).

The first report 1002176 was tabled in Parliament on 9 September 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	1972

Family details

Family members	Miss Y (daughter)
Citizenship	Country A (born in Country B)
Year of birth	2009

Ombudsman ID	1002914
Date of DIBP's reports	4 July 2015, 5 January 2016 and 2 July 2016
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002176), Ms X and her daughter remained in community detention. They resided with Ms X's husband, Mr Z, who is a permanent Australian resident, and their second daughter ¹ .	
23 August 2016	Ms X and Miss Y were granted Bridging visas and released from detention.

Recent visa applications/case progression

16 June 2015	The Refugee Review Tribunal affirmed the Department of Immigration and Border Protection's (DIBP) decision of 24 November 2014 to refuse Ms X and her daughter's application for a Protection visa.
12 November 2015	Found not to meet the guidelines for referral to the Minister under s 417 of the <i>Migration Act 1958</i> .
27 November 2015	The Minister intervened under s 197AD to vary the residential address of Ms X and her daughter.
5 January 2016	DIBP advised that it had determined that the s 46A bar did not apply in Ms X's case, and she was eligible to apply for a Partner visa as her husband, Mr Z, was a permanent resident of Australia.

¹ Ms X's second child, Miss B, was born in Australia in 2015. As the father is a permanent resident of Australia, Miss B is an Australian citizen.

5 January 2016	DIBP advised that it was assessing the case of Ms X and her daughter against the s 195A guidelines for referral to the Minister for consideration of a Bridging visa.
25 January 2016	Ms X and her daughter lodged a valid Combined Partner visa application.
11 February 2016	DIBP invited Ms X to comment on the application and provide further information. Ms X responded on 24 March 2016 and 5 April 2016.
26 May 2016	DIBP notified Ms X that her application had been queued and a timeframe for finalisation of the application could not be given.
23 August 2016	Ms X and her daughter were granted Bridging visas.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X had received ante-natal and post-natal care. She experienced some health issues related to her pregnancy which were treated at hospital, including high blood pressure and renal problems. She was reviewed by the general practitioner following the birth of her child and no concerns were reported.	
21 July 2015	Gave birth to her second daughter.

Miss Y

IHMS advised that Miss Y has not required treatment for any major physical or mental health issues.

Case status

<p>Ms X and her daughter have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review they were awaiting the processing of a Combined Partner visa application which has been queued.</p> <p>Ms X and her daughter were granted Bridging visas on 23 August 2016 and released from immigration detention.</p>
