

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Ms X and her sons who remained in immigration detention for more than 54 months (four and a half years).

The first report 1553/13 was tabled in Parliament on 4 December 2013 and the second report 1001479 was tabled in Parliament on 13 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Ms X (and sons)
Citizenship	Stateless (claimed), born in country A
Year of birth	1984
Total days in detention	1,642 (at date of DIBP's report)

Family details

Family members	Master Y (son)	Master Z (son)
Citizenship	Stateless (claimed), born in country A	Stateless (claimed), born in Australia
Year of birth	2006	2010
Total days in detention	1,642 (at date of DIBP's report)	1,556 (at date of DIBP's report)

Ombudsman ID	1002356
Date of DIBP's report	20 March 2015

Recent detention history

Since the Ombudsman's previous report (1001479), Ms X and her sons remained in community detention.	
27 August 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

17 February 2014	The Department of Immigration and Border Protection (DIBP) commenced assessing Master Z's claimed statelessness against the <i>Australian Citizenship Act 2007</i> . DIBP advised that it was awaiting information from Ms X's country of origin at the time of its report.
19 August 2014	DIBP commenced reassessing Ms X and her sons' protection claims under a new International Treaties Obligations Assessment (ITOA).
24 September 2014, 27 November 2014 and 5 December 2014	Ms X provided DIBP with further information for consideration as part of the ITOA.
31 October 2014	Ms X attended an interview in relation to the ITOA.

28 January 2015	Ms X signed the Code of Behaviour ¹ in preparation for the Minister's consideration of the grant of a Bridging visa under s 195A of the <i>Migration Act 1958</i> .
27 August 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Ms X

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Ms X for the period 9 October 2014 to 19 March 2015.

Master Y and Master Z

DIBP did not provide IHMS Health Summary Reports for Master Y or Master Z for the period 12 March 2014 to 19 March 2015.

Other matters

DIBP advised that Ms X's estranged husband, Mr Q, was granted a Bridging visa on 9 April 2013 and has regular approved weekend visitations with Master Y.

Case status

Ms X and her sons have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's review their protection claims were being reassessed under an ITOA.

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

¹ Since 14 December 2013 all adult maritime arrivals must sign a Code of Behaviour before they can be considered for the grant of a Bridging visa. The Code of Behaviour was introduced to help ensure that maritime arrivals living in the community on Bridging visas are aware of community behavioural expectations and behave appropriately while in the Australian community.