

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

The first report 1001943¹ was tabled in Parliament on 17 June 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X
Citizenship	Country A
Year of birth	1990
Ombudsman ID	1002795
Date of DIBP's report	8 June 2015 ²
Total days in detention	964 (at date of DIBP's report)

Detention history

17 October 2012	Ms X was detained under s 189(1) of the <i>Migration Act 1958</i> on completion of medical treatment after her arrival on Saibai Island on 30 September 2012 aboard Suspected Illegal Entry Vessel (SIEV) <i>BBT11</i> . She was transferred to Villawood Immigration Detention Centre (IDC).
11 March 2013	Transferred to community detention.
27 August 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa 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 was 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.	
30 September 2012	DIBP advised that Ms X arrived on Saibai Island in the Torres Strait Islands archipelago, Queensland, seeking medical treatment for tuberculosis (TB). She was transferred to Thursday Island for hospital treatment the same day.
8 October 2012	Ms X was 'screened in' to the Protection process.

¹ Ms X was previously reported on in a group report of people who arrived on SIEV 485 *Opaque*.

² DIBP's 30-month 486N review on Ms X was due in April 2015. At this time DIBP was considering changing its report format for certain cohorts of detainees. DIBP advised that the delay in provision of this review was due to the decision to provide an individual review for Ms X, rather than the previously drafted 'group' format.

17 October 2012	DIBP advised that Ms X was detained on Thursday Island following her discharge from hospital. She was transferred to Villawood IDC the same day. DIBP further advised that the delay between Ms X being 'screened in' and being detained occurred because of complications with her medical treatment.
27 February 2013	The former Minister intervened under s 197AB to allow Ms X to reside in community detention.
24 July 2014	Lodged a third Protection visa application which included her son, Master Y. ³ DIBP advised that all three of Ms X's Protection visa applications were invalid as she is subject to the bar under s 46A.
27 August 2015	Granted a Bridging visa with an associated THS visa.

Health and welfare

<p>International Health and Medical Services (IHMS) advised that prior to being detained, Ms X was diagnosed with drug-resistant TB and received treatment as a hospital inpatient. Following her discharge from hospital she was prescribed with TB medication until August 2013 and was monitored as per state policy.</p> <p>IHMS also advised that Ms X disclosed a history of torture and trauma and was diagnosed with anxiety related to a lack of supportive networks. For a period of time she regularly attended specialist counselling.</p>	
3 July 2013	Her pregnancy was confirmed and she was referred for antenatal care.
February 2014	She gave birth to Master Y.
18 March 2015 – 23 March 2015	She received emergency medical treatment at hospital for a ruptured appendix. No further concerns were recorded.

Ombudsman assessment/recommendation

<p>Ms X was granted a Bridging visa with an associated THS visa on 27 August 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Ms X was detained on 17 October 2012 after arriving in Australia aboard SIEV <i>BBT11</i> and was held in detention for more than two and a half years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review, processing of Ms X's claims for protection had not commenced.</p> <p>The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Ms X's protection claims commence as soon as possible.</p>

³ Master Y was born in February 2014 and detained on 8 May 2015. He is not subject to reporting under s 486N. DIBP advised that the three-month delay that elapsed between Master Y's birth and the date on which he was detained was due to a delay in registering and receiving his birth certificate.