

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 36 months (three years).

The first report 1001765 was tabled in Parliament on 29 October 2014. 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	1989

Family details

Family members	Miss Y (daughter)
Citizenship	Country A
Year of birth	2010

Ombudsman ID	1002279
Date of DIBP's reports	26 February 2015 and 31 July 2015
Total days in detention	1,097 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001765), Ms X and her daughter remained in community detention. Ms X's twin sons ¹ also live with them.	
27 August 2015	Ms X and her daughter were granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

17 July 2014	Ms X was issued with a letter inviting her to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ²
29 July 2014	Ms X provided her response and DIBP advised that it was assessing whether she had raised further protection related claims as a result of the privacy breach.

¹ Ms X is living with Mr Z who is the father of their twin boys, Master B and Master C. The twins were born in Australia in August 2013 and have been in detention for less than two years. They are not subject to reporting under s 486N.

² In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

15 January 2015	Ms X was issued with a letter notifying her of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of her and her daughter's case engage Australia's <i>non-refoulement</i> obligations.
31 July 2015	DIBP advised that it was assessing immigration pathway options for Ms X and her family to determine whether the family can be processed as one group. ³
27 August 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Ms X

International Health and Medical Services (IHMS) provided details of Ms X's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
21 August 2014 – 6 November 2014	Ms X presented to her psychologist with symptoms of anxiety, low mood and insomnia. She attended three counselling sessions and was educated about managing her anxiety and insomnia.

Miss Y

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

Ms X and her daughter have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Their protection claims are being reassessed under an ITOA.
Ms X and her daughter were granted Bridging visas with associated THS visas on 27 August 2015 and released from immigration detention.

³ DIBP advised that members of the family are currently on split immigration pathways.