

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

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

The first report 1001098 was tabled in Parliament on 11 December 2013, the second report 1001401 was tabled in Parliament on 27 August 2014 and the third report 1001649 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 daughter)
Citizenship	Country A
Year of birth	1992
Total days in detention	1640 (at date of DIBP's latest report)

Family details

Family members	Miss Y (daughter) ¹
Citizenship	Country A, born in Australia
Year of birth	2013
Total days in detention	1014 (at date of DIBP's latest report)

Ombudsman ID	1002817
Date of DIBP's reports	29 June 2015 and 21 December 2015

Recent detention history

Since the Ombudsman's previous report (1001649), Ms X and her children ² remained in community detention.	
Ms X and her two children resided with her husband, Mr Z, who is the subject of Ombudsman report 1002389.	
19 April 2016	Ms X and her children were granted Bridging visas and released from community detention.

¹ DIBP advised on 17 December 2015 that Miss Y should have been included on her father, Mr Z's 42-month 486N review dated 7 October 2015 but there was a delay due to a system failure. DIBP advised that Miss Y would be included on her mother's 54-month 486N review dated 21 December 2015.

² Master Q was born in Australia in November 2014. He has been in detention for less than two years and is not subject to reporting under s 486N.

Recent visa applications/case progression

12 January 2015	The Department of Immigration and Border Protection (DIBP) notified Ms X of the commencement of an International Treaties Obligations Assessment (ITOA) and requested she provide a response by 28 January 2015.
2 September 2015	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow Ms X and her daughter to lodge a temporary visa application.
7 October 2015	DIBP invited Ms X's husband, Mr Z, to lodge a temporary visa application which included Ms X and their children.
21 December 2015	DIBP advised that the ITOA for Ms X was suspended so that the family's protection claims could be assessed together.
22 December 2015	Ms X's husband, Mr Z, lodged a Safe Haven Enterprise visa (SHEV) with an associated Bridging visa application on behalf of the family.
22 March 2016	Associated Bridging visa application was invalid.
19 April 2016	Granted Bridging visas.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that other than ongoing treatment for a gastro-oesophageal reflux disorder, Ms X has not required treatment for any major physical or mental health issues.	
27 November 2014	Ms X gave birth to her son without complication.

Miss Y

IHMS advised that Miss Y did not require treatment for any major physical or mental health issues.	
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Information provided by Ms X

The Ombudsman's office tried to contact Ms X on several occasions to discuss her community detention circumstances but was unsuccessful.	
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Case status

<p>Ms X and her children were granted Bridging visas on 19 April 2016 and released from immigration detention.</p> <p>Ms X was detained on 19 March 2011 after arriving in Australia aboard Suspected Illegal Entry Vessel <i>Yabsley</i> and was held in detention for over four and a half years.</p> <p>On 2 September 2015 the Minister lifted the bar under s 46A to allow Ms X and her family to apply for a temporary visa and on 22 December 2015 Ms X's husband, Mr Z, lodged a SHEV application which included his family.</p>	
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