

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 family who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1002986¹ was tabled in Parliament on 29 April 2016. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and family)
Citizenship	Country A
Year of birth	1993

Family details

Family members	Miss Y (niece)	Master Z (nephew)
Citizenship	Country A	Country A
Year of birth	2002	2007

Ombudsman ID	1001759-O
Date of DIBP's reports	12 July 2016 and 9 January 2017
Total days in detention	1276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002986), Ms X and her family ² have remained in community detention.

Recent visa applications/case progression

20 August 2015	Miss Y and Master Z were notified that they are eligible to receive the Primary Application Information Service to assist them with lodging a temporary visa application. Master Z accepted the offer on 27 October 2015 and Miss Y accepted the offer on 21 December 2015.
15 January 2016	Ms X lodged a Safe Haven Enterprise visa (SHEV) application which included Miss Y, Master Z and Mr P as her dependents.
19 August 2016	Ms X signed documents to acquire custodianship of Miss Y and Master Z. The Department of Immigration and Border Protection (the department) advised it is assessing whether the proposed change is in the best interests of the children.

¹ Ms X and her family were previously reported on with her other nephew, Mr P. Mr P was granted a Bridging visa on 25 May 2016 and was released from detention.

² Ms X resides in a community detention residence designated for unaccompanied minors with her minor niece and nephew. The department advised that Miss Y and Master Z are under the care of a contracted service provider.

Health and welfare

International Health and Medical Services advised that Ms X, Miss Y and Master Z have not required treatment for any major physical or mental health issues.

Other matters

9 January 2017	The department advised that Ms X has indicated an intention to marry Mr Q. Mr Q was granted a temporary visa on 7 January 2017 and is the subject of Ombudsman report 1003115.
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Case status

Ms X and her family were detained on 14 July 2013 after arriving in Australia by sea and have been held in detention for over three and a half years.

On 15 January 2016 Ms X lodged a SHEV application which included Miss Y, Master Z and Mr P as dependents. At the time of the department's latest review the family continues to await the outcome of the application.