

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the third s 486O assessment on Ms X and her daughter who have remained in immigration detention for more than 48 months (four years). The previous assessment 1001966-O was tabled in Parliament on 15 February 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Ms X (and daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1986

### Family details

<b>Family members</b>	Miss Y (daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2011

<b>Ombudsman ID</b>	1001966-O1
<b>Date of DIBP's reports</b>	8 February 2017 and 8 August 2017
<b>Total days in detention</b>	1,458 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous assessment, Ms X and her daughter have continued to be placed in the community.<sup>1</sup>

### Recent visa applications/case progression

27 June 2016	Ms X and her daughter's case was identified for possible referral to the Minister under s 195A of the <i>Migration Act 1958</i> for the grant of a bridging visa.  On 8 August 2017 the Department of Immigration and Border Protection (the department) advised that Ms X and her daughter's case had not been referred to the Minister due to competing priorities and the matter continues to be progressed.
22 November 2016	Temporary Protection visa (TPV) application refused. Ms X and her daughter's case was referred to the Immigration Assessment Authority (IAA) for review on the same day.
17 March 2017	The IAA affirmed the decision to refuse Ms X and her daughter's TPV application.
10 April 2017	Applied to the Federal Circuit Court (FCC) for judicial review. Ms X was scheduled to attend a hearing in October 2017.

<sup>1</sup> Ms X and her daughter were granted a placement in the community under s 197AB and remain in immigration detention.

## Other legal matters

17 March 2017	The Victorian Department of Health and Human Services withdrew its protection application regarding Miss Y at a children's court. The department advised that Ms X and Miss Y are no longer under the jurisdiction of child protection services.
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## Health and welfare

### *Ms X*

<p>International Health and Medical Services (IHMS) advised that Ms X has a history of mental health concerns, including anxiety and depression. She was referred to a psychologist in April 2017 after reporting that her condition had been aggravated by psychosocial stressors.</p> <p>IHMS advised that Ms X did not receive treatment for any major physical health issues during this assessment period.</p>
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### *Miss Y*

<p>IHMS advised that Miss Y was referred to a psychologist in April 2017 after her mother raised concerns about her behaviour.</p> <p>IHMS advised that Miss Y did not receive treatment for any major physical health issues during this assessment period.</p>
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## Recent detention incidents

4 January 2017	The department advised that Ms X and her daughter breached their community placement conditions by not returning to their community placement property without seeking prior approval of the department.
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## Case status

<p>Ms X and her daughter were detained on 11 August 2013 after arriving in Australia by sea and have been held in detention, both in a detention facility and the community, for more than four years.</p> <p>Ms X and her daughter's TPV application was refused on 22 November 2016 and on 17 March 2017 the IAA affirmed the refusal.</p> <p>At the time of the department's latest report Ms X and her daughter were awaiting the outcome of judicial review.</p>
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