

# REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the first s 486O report on Ms X and her daughter who remained in immigration detention for more than 24 months (two years).

<b>Name</b>	Ms X (and daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985

## Family details

<b>Family members</b>	Miss Y (daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2007

<b>Ombudsman ID</b>	1002959
<b>Date of DIBP's report</b>	28 April 2015
<b>Total days in detention</b>	Not provided

## Detention history

22 April 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland aboard Suspected Illegal Entry Vessel 657 <i>Fowley</i> .
18 June 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention.

## Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that as Ms X and her daughter arrived in Australia as 'direct entry persons' <sup>1</sup> they are not barred under s 46A from lodging a Protection visa application.	
18 June 2015	Granted Bridging visas with associated THS visas.

## Health and welfare

Ms X

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Ms X.	
25 August 2013	A DIBP Incident Report recorded that Ms X commenced voluntary starvation as a form of protest. No further information was provided.

---

<sup>1</sup> A maritime arrival to Australia's mainland who is seeking protection.

18 November 2014 and 11 December 2014	DIBP Incident Reports recorded that Ms X had previously been diagnosed with the human immunodeficiency virus and failed to collect her medication and attend routine pathology.
---------------------------------------	---

*Miss Y*

25 November 2013	IHMS advised that Miss Y was reviewed by her general practitioner (GP) following an alleged domestic violence incident. Miss Y disclosed that she was scared of her mother and alleged that she was frequently assaulted by her. Her GP noted that she did not present with any mental health concerns at that time, however her mental health continued to be monitored.
------------------	---

**Detention incidents**

26 August 2013	A DIBP Incident Report recorded that Ms X was allegedly involved in a physical altercation between several detainees and received minor facial injuries.
25 November 2013	A DIBP Incident Report recorded that Ms X allegedly assaulted Miss Y. The incident was reported to the State B police and an investigation was conducted. No further information was provided.

**Ombudsman assessment/recommendation**

<p>The Ombudsman notes that Ms X and her daughter were detained on 22 April 2013 after arriving on the Australian mainland and were held in detention for over two years before being granted Bridging visas with associated THS visas on 18 June 2015.</p> <p>The Ombudsman further notes that, at the time of DIBP's review, processing of Ms X and her daughter's claims for protection had not commenced.</p> <p>Given that Ms X and her daughter are not subject to the bar under s 46A, the Ombudsman recommends that the processing of their protection claims commence as soon as possible.</p>
---