

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 Miss X and her siblings who have remained in immigration detention for more than 24 months (two years).

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| Name | Miss X (and siblings) |
| Citizenship | Country A |
| Year of birth | 2001 |

Family details

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| Family members | Master Y (brother) | Miss Z (sister) |
| Citizenship | Country A | Country A |
| Year of birth | 2002 | 2007 |

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| Ombudsman ID | 1003063 |
| Date of DIBP's report | 22 July 2015 |
| Total days in detention | 733 (at date of DIBP's report) |

Detention history

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| 19 July 2013 | Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as unaccompanied minors aged five, 10 and 12 aboard Suspected Illegal Entry Vessel (SIEV) 796 <i>Rehobeth</i> . They were transferred to an Alternative Place of Detention, Christmas Island. |
| 8 August 2013 | Transferred to Brisbane Immigration Transit Accommodation. |
| 14 August 2013 | Transferred to community detention. The Department of Immigration and Border Protection (DIBP) advised that Miss X and her siblings currently reside with a carer. |

Visa applications/case progression

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| 13 March 2014 | Miss X and her siblings were issued with a letter inviting them to comment on the unintentional release of personal information through DIBP's website. ¹ |
| 16 June 2015 | The Minister lifted the bar under s 46A to allow Miss X and her siblings to lodge a temporary visa application. DIBP advised that Miss X and her siblings are eligible to receive the Primary Application Information Service to assist them in making an application. Miss X and her siblings are not being considered for the grant of a Bridging visa while they remain minors. |

¹ 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.

Health and welfare

Miss X

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| August 2013 - ongoing | International Health and Medical Services (IHMS) advised that Miss X was assessed by a psychiatrist following concerns about her vulnerability and susceptibility to anxiety. Her mental health continued to be monitored by her general practitioner (GP) and through regular contact with a specialist counselling service. |
| 26 May 2014 - 23 February 2015 | Miss X was referred to a psychologist following emotional concerns related to her separation from her family. She attended eight sessions and improvements were noted. |

Master Y

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| 11 August 2013 | Referred to a psychiatrist after presenting with symptoms related to family separation anxiety, including stress and unsettled and restless behaviour. IHMS advised that he was provided with counselling. |
| 3 June 2014 - 17 December 2014 | IHMS advised that Master Y was referred to a psychologist following his transfer into community detention. He attended seven sessions and improvements in his mood were noted. His mental health continues to be monitored by his GP. |

Miss Z

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| 28 July 2013 | Diagnosed with a urinary tract infection and prescribed with antibiotic medication. |
| August 2013 | Reviewed by a psychiatrist following concerns about her vulnerability, susceptibility to anxiety and lack of consistent parenting. Her mental health continued to be monitored by her GP and through regular contact with a specialist counsellor. |
| April 2014 | Her GP noted that Miss Z appeared to have settled well and did not present with any mental health concerns. |
| September 2014 | Referred for urine testing after presenting to her GP with urinary frequency. The tests returned normal results. IHMS advised that she was prescribed with antibiotic medication and provided with education. No further concerns have been raised. |

Ombudsman assessment

The Ombudsman notes that Miss X and her siblings were detained on 19 July 2013 after arriving in Australia as unaccompanied minors aged five, 10 and 12 aboard SIEV *Rehobeth* and have been held in detention for over two years with no processing of their protection claims.

The Ombudsman notes that on 16 June 2015 the Minister lifted the bar under s 46A to allow Miss X and her siblings to lodge a temporary visa application. The Ombudsman makes no recommendations in this report.