

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 children who remained in immigration detention for more than 30 months (two and a half years).

The first report 1001823¹ was tabled in Parliament on 3 December 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and children)
Citizenship	Stateless (claimed)
Year of birth	1975

Family details

Family members	Miss Y (daughter)	Master Z (son)
Citizenship	Stateless (claimed)	Stateless (claimed)
Year of birth	1999	2005

Ombudsman ID	1003019
Date of DIBP's report	17 February 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001823), Ms X and her children remained in community detention.	
22 April 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, Ms X and her children were part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and the Minister had not lifted the bar under s 46A.	
22 April 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Ms X

5 August 2014 – 16 January 2015	International Health and Medical Services (IHMS) provided details of Ms X's health and welfare. No significant ongoing physical or mental health concerns were noted.
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¹ Ms X and her children were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 412 *Ropeley* and were detained on 17 August 2012.

Miss Y

5 August 2014 – 15 January 2015	IHMS provided details of Miss Y's health and welfare. No significant ongoing physical or mental health concerns were noted.
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Master Z

5 August 2014 – 19 January 2015	IHMS provided details of Master Z's health and welfare. No significant ongoing mental health concerns were noted.
28 June 2014	Master Z was reviewed by a paediatric cardiologist who advised that no further treatment for his heart murmur was required.

Ombudsman assessment/recommendation

Ms X and her children were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her children were detained on 17 August 2012 after arriving in Australia, and were held in detention for over two and a half years before being granted Bridging visas. The Ombudsman further notes that, at the time of DIBP's review, processing of the family's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of the family's protection claims commence as soon as possible.