

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 sons who have remained in immigration detention for more than 36 months (three years).

The first report 1002610¹ was tabled in Parliament on 14 October 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Ms X (and sons)
Citizenship	Country A
Year of birth	1981

Family details

Family members	Master Y (son)	Master Z (son)
Citizenship	Country A	Country A, born in Country B
Year of birth	2006	2009

Ombudsman ID	1002524-O
Date of DIBP's reports	3 December 2015 and 14 June 2016
Total days in detention	1110 (at date of DIBP's latest report)

Detention history

31 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 727 <i>Keswick</i> . The family were transferred to an Alternative Place of Detention (APOD), Christmas Island.
28 July 2013	Transferred to Wickham Point APOD.
25 August 2013	Transferred to Inverbrackie APOD.
17 June 2014	Transferred to community detention.

Recent visa applications/case progression

13 March 2014	DIBP notified the family of the unintentional release of personal information ² and advised that the privacy breach would be taken into account when considering their protection claims.
24 May 2014	The former Minister intervened under s 197AB to allow the family to reside in community detention

¹ Ms X and her sons were previously reported on with her husband Mr Q. DIBP advised that Mr Q was taken into criminal custody on 12 August 2015 and is not currently subject to reporting under s 486N.

² 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.

29 September 2015	The Minister lifted the bar under s 46A to allow Ms X and her sons to lodge a temporary visa application.
12 January 2016	The Department of Immigration and Border Protection (DIBP) invited the family to apply for a temporary visa and notified Ms X that she was eligible to receive the Primary Application Information Service (PAIS) to assist her family with lodging a temporary visa application. She accepted the offer on 19 January 2016 and was assigned a PAIS provider.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X continues to be treated for chronic back pain with physiotherapy and pain relief medication and was referred to a neurosurgeon for further review.

IHMS further advised that Ms X continues to be monitored for depression and anxiety and that her mental health appears to have improved as no concerns have been reported.

Master Y and Master Z

IHMS advised that Master Y and Master Z have not required treatment for any major physical or mental health issues.

Recent detention incidents

21 June 2015	A DIBP Incident Report recorded that Ms X was physically assaulted by her husband. DIBP advised that she chose to reconcile with her husband and did not press criminal charges.
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Case status

Ms X and her sons were detained on 31 May 2013 after arriving in Australia aboard SIEV *Keswick* and have been held in detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Ms X and her sons to apply for a temporary visa. On 19 January 2016 Ms X accepted the PAIS assistance and was assigned a provider.