

## 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 who has remained in immigration detention for more than 24 months (two years).

<b>Name</b>	Miss X
<b>Citizenship</b>	Stateless (claimed, born to parents <sup>1</sup> in immigration detention)
<b>Year of birth</b>	2014
<b>Ombudsman ID</b>	1002454-O
<b>Date of DIBP's report</b>	18 July 2016
<b>Total days in detention</b>	732 (at date of DIBP's report)

### Detention history

17 July 2014	Following her birth to parents in community detention, Miss X was detained under s 189(1) of the <i>Migration Act 1958</i> .
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### Visa applications/case progression

The Department of Immigration and Border Protection (the department) advised that prior to ministerial intervention, Miss X and her family were part of a cohort who had not had their protection claims assessed as they were subject to the bar under s 46A.	
18 August 2015	The Minister agreed to intervene under s 197AB to allow Miss X to reside in community detention with her family.
10 December 2015	Miss X's father, Mr Y lodged a Safe Haven Enterprise visa (SHEV) application which included his family and Miss X as dependents.
22 December 2015	The department notified Mr Y that his family's SHEV application was not a valid application for Miss X as the Minister had not yet lifted the s 46A bar.
27 May 2016	The Minister lifted the bar under s 46A to allow Miss X to lodge a temporary visa application.
21 June 2016	Miss X and her family were identified as eligible to receive the Primary Application Information Service (PAIS) to assist with lodging a temporary visa application.

### Health and welfare

International Health and Medical Services advised that Miss X has not required treatment for any major physical or mental health issues.
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<sup>1</sup> Miss X's parents, Mr Y and Ms Z, and her sister are the subjects of Ombudsman report 1002065-O.

**Case status**

Miss X was detained on 17 July 2014 following her birth to parents in immigration detention and has been held in detention for over two years.

On 27 May 2016 the Minister lifted the bar under s 46A to allow Miss X to apply for a temporary visa. On 21 June 2016 Miss X and her family were identified as eligible to receive PAIS to assist with lodging a temporary visa application.