

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

<b>Name</b>	Ms X (and son)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982

## Family details

<b>Family members</b>	Master Y (son)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2008

<b>Ombudsman ID</b>	1002961
<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 (SIEV) 657 <i>Fowley</i> .
6 May 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 son arrived in Australia as 'direct entry persons' <sup>1</sup> they are not barred under s 46A from lodging a Protection visa application.  DIBP further advised that following legislative amendment, Ms X and her son are only eligible for temporary visas.	
6 May 2015	Granted Bridging visas with associated THS visas.

## Health and welfare

*Ms X and Master Y*

DIBP did not provide International Health and Medical Services Health Summary Reports for Ms X or Master Y.
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<sup>1</sup> A maritime arrival to Australia's mainland who is seeking protection.

### **Ombudsman assessment/recommendation**

Ms X and her son were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her son were detained on 22 April 2013 after arriving on the Australian mainland aboard SIEV *Fowley* and were held in detention for over two years before being granted Bridging visas. The Ombudsman further notes that, at the time of DIBP's review, processing of Ms X and her son's claims for protection had not commenced.

Given that Ms X and her son are not subject to the bar under s 46A, the Ombudsman recommends that processing of their protection claims commence as soon as possible.