

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 Mr X and his sisters who have remained in immigration detention for more than 24 months (two years).

Name	Mr X (and sisters)
Citizenship	Country A
Year of birth	1996

Family details

Family members	Miss Y (sister)	Miss Z (sister)
Citizenship	Country A	Country A
Year of birth	1998	2000

Ombudsman ID	1002963
Date of DIBP's report	28 April 2015
Total days in detention	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 as unaccompanied minors aged 16, 14 and 12 aboard Suspected Illegal Entry Vessel (SIEV) 657 <i>Fowley</i> .
The Department of Immigration and Border Protection (DIBP) advised that Mr X and his sisters are currently residing in community detention.	

Visa applications/case progression

DIBP advised that as Mr X and his sisters arrived in Australia as 'direct entry persons' ¹ they are not barred under s 46A from lodging a Protection visa application. DIBP further advised that following legislative amendment, the family are only eligible temporary visas.

Health and welfare

DIBP did not provide an International Health and Medical Services Health Summary Report for Mr X and his sisters.

¹ A maritime arrival to Australia's mainland who is seeking protection.

Ombudsman assessment/recommendation

The Ombudsman notes that Mr X and his sisters were detained on 22 April 2013 after arriving on the Australian mainland as unaccompanied minors aged 16, 14 and 12 aboard SIEV *Fowley*. They have been held in detention for over two years with no processing of their protection claims.

The Ombudsman further notes that, at the time of DIBP's review, processing of Mr X and his sister's claims for protection had not commenced.

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