

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

Name	Ms X (and children)
Citizenship	Country A
Year of birth	1974

Family details

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

Family members	Master P (son)	Master Q (son)	Miss R (daughter)
Citizenship	Country A	Country A	Country A
Year of birth	2003	2005	2008

Ombudsman ID	1002854
Date of DIBP's reports	18 November 2014 and 14 May 2015
Total days in detention	Not provided

Detention history

18 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 539 <i>Rally</i> . Ms X and her children arrived with her husband, Mr V, who is the subject of Ombudsman report 1002853.
18 November 2014	The Department of Immigration and Border Protection (DIBP) advised that Ms X and Mr V separated following alleged domestic violence. Ms X and her children were located in community detention and Mr V was located at Facility B.
14 August 2015	Ms X and her children were granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention.

Visa applications/case progression

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(2).	
14 August 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Ms X

11 June 2013	International Health and Medical Services (IHMS) reported that Ms X was referred to a hospital emergency department by her general practitioner (GP) following complaints of blurry vision and nausea which had persisted for four days. She was diagnosed with a migraine and provided with pain relief medication and anti-nausea medication. She was discharged with advice to see her GP.
14 June 2013	Following tests she was diagnosed with type 2 diabetes. Her GP prescribed her with medication and provided her with education, and discussed the importance of monitoring her blood sugar levels.
27 June 2013	Her GP reported Ms X's non-compliance with her diabetic medication and referred her for an optometry review following complaints of blurry vision. IHMS advised that as Ms X had been newly diagnosed as diabetic the referral was to help prevent diabetic eye diseases.
22 November 2013	A skin test was conducted following her husband's diagnosis of tuberculosis (TB). The results were clear.
1 August 2014 - 4 August 2014	She was taken to a hospital emergency department following an alleged incident of domestic violence involving her husband. A computed tomography scan was conducted to rule out any neck injuries and blood tests were performed. She was admitted to the short stay unit for monitoring and was discharged on 4 August 2014. IHMS reported that Child Protection Services were notified and that following this incident and a breach of an apprehended violence order her husband, Mr V was relocated to another address temporarily. He was subsequently returned to restricted detention (date not provided). IHMS advised that Ms X and her children continued to be monitored by their case worker.
6 March 2015	She was referred to a psychologist for counselling to help with her compliance to her diabetic medication and treatment. IHMS advised that her GP monitored her condition.
13 April 2015 - 1 June 2015	IHMS advised that Ms X did not require treatment for any major physical or mental health issues during this reporting period.

Ms Y, Master P, Master Q and Miss R

IHMS advised that Ms Y, Master P, Master Q and Miss R did not require treatment for any major physical or mental health issues.

Miss Z

28 November 2013 - 1 June 2015	Miss Z was diagnosed as a TB contact. Her chest x-ray returned normal results and she was monitored as per state policy.
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Other matters

4 February 2015	Ms X's husband, Mr V, voluntarily departed Australia to return to Country A.
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Ombudsman assessment/recommendation

<p>Ms X and her children were granted Bridging visas with associated THS visas on 14 August 2015 and released from immigration detention.</p>

<p>The Ombudsman notes that Ms X and her children were detained on 18 November 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.</p>

<p>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.</p>
