

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Ms X, her sister and her daughter¹ who have remained in immigration detention for more than seven years. The previous assessment 1000790-O was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Ms X (and family)
Citizenship	Country A
Year of birth	1992
Total days in detention	2,550 (at 12 March 2018)

Family details

Family members	Miss Y (sister)	Miss Z (daughter)
Citizenship	Country A	Country A, born in Australia
Year of birth	2001	2016
Total days in detention	2,550 (as at 12 March 2018)	730 (as at 21 March 2018)

Ombudsman ID	1000790-O1
Date of department's report	11 September 2017, 12 March 2018 and 21 March 2018

Recent detention history

Since the Ombudsman's previous assessment, the family has continued to be placed in the community.²

Recent visa applications/case progression

July 2017	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow the family to lodge a temporary visa application.
September 2017	Lodged a Safe Haven Enterprise visa (SHEV) application.
October 2017	SHEV application refused.
December 2017	The Immigration Assessment Authority (IAA) affirmed the refusal decision.
December 2017	Applied to the Federal Circuit Court for judicial review. The matter was adjourned in March 2018.
March 2018	The family's case was referred on a ministerial submission for consideration under s 195A for the grant of a bridging visa.

¹ This is the first s 486O report on Miss Z who was detained in March 2016 following her birth to parents in immigration detention. Miss Z was initially reported on individually under s 486N and will be reported on with her mother and aunt as of their 90-month report. For the purposes of reporting under s 486O, her timeline in detention has been aligned with her mother and aunt and they are reported on together.

² The family was granted a placement in the community under s 197AB and remains in immigration detention.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X received treatment for a number of medical conditions. Ms X experienced an adverse reaction to medication following a procedure and was later reviewed by a general practitioner (GP) who noted that the wound was slowly improving.

IHMS further advised that Ms X was reviewed by a GP and reported feelings of worry and distress related to her family separation and being a single parent while her husband remained in an immigration detention facility. She attended counselling on two occasions.

Miss Y

IHMS advised that Miss Y was reviewed by a GP and reported experiencing sleeping difficulties and feelings of hopelessness and emotional distress regarding her future. The GP recommended relaxation strategies and Miss Y continued to be monitored in conformity with a care plan.

IHMS further advised that Miss Y continued to await specialist appointments for a medical condition.

Miss Z

IHMS advised that Miss Z presented to hospital on several occasions for the treatment medical concerns. She was prescribed with medication and underwent a medical procedure.

Other matters

Ms X's husband and the father of her daughter, Mr P, resides at Facility D and is the subject of Ombudsman assessment 1002368-O2.

Case status

Ms X and her sister were detained in March 2011 after arriving in Australia by sea and Miss Z was detained in March 2016 following her birth to parents in immigration detention. The family has remained in immigration detention, both in a detention facility and the community, for more than seven years.

In July 2017 the Minister lifted the bar under s 46A to allow the family to apply for a temporary visa and in September 2017 they lodged a SHEV application. In October 2017 their SHEV application was refused and in December 2017 the IAA affirmed the refusal decision.

At the time of the Department of Home Affairs' latest report the family were awaiting the outcome of judicial review.