

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and his family who remained in immigration detention for more than 30 months (two and a half years).

The first report 1001837¹ was tabled in Parliament on 3 December 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1980

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1982	2010

Ombudsman ID	1002288
Date of DIBP's report	23 February 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001837), Mr X and his family remained in community detention.	
22 April 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, Mr X and his family 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 of the <i>Migration Act 1958</i> .	
22 April 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

14 October 2012	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma but declined specialist counselling. He was advised to self-refer to the mental health team (MHT) as required.
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¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 5547 *Basil* and were detained on 23 August 2012.

3 July 2014	Presented to a general practitioner (GP) with symptoms of depression including irritability and anxiety. He was provided with counselling and prescribed with antidepressant medication.
11 November 2014	Mr X was referred to a psychologist.

Ms Y

2 September 2012	Ms Y was referred to a psychologist after presenting with symptoms of stress. IHMS advised that she was regularly reviewed by the MHT and was provided with supportive counselling.
18 October 2012	Disclosed a history of torture and trauma and was referred for specialist counselling. IHMS advised that it was unable to confirm whether Ms Y attended this referral.
31 December 2012	Presented to IHMS with a cyst on her eyelid and reported that she had previously undergone corrective surgery. She was referred to a hospital outpatient's clinic for treatment, however the appointment was not attended as she was transferred to community detention.
28 February 2013	Ms Y was referred to a private ophthalmologist for assessment. IHMS advised that this referral was not approved as it fell outside of community healthcare standards and she was placed on a public waiting list.
4 July 2013	Ms Y returned a positive pregnancy test.
February 2014	Ms Y gave birth to her second child ² without complication.
26 February 2014	Ms Y reported that she was experiencing low mood and irritability during a consultation with her GP. She reported that she felt overwhelmed and isolated following her transfer to community detention. She was referred to a psychologist and her GP advised that she attend a mother's support group.
19 March 2014	Ms Y reported that she was experiencing low mood, irritability, poor sleep and reduced motivation during a review with a psychologist. IHMS reported that Ms Y was advised to attend further psychological counselling, however it was unable to confirm her attendance.

Miss Z

IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.
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² Mr X and Ms Y's second child (name and gender not provided) was born in Australia in February 2014 and has been in detention for less than two years. The child is not required to be reported on under s 486N.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 23 August 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.

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.