

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 1001943¹ was tabled in Parliament on 17 June 2015. 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	1981

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1982	2007

Ombudsman ID	1002449
Date of DIBP's report	30 April 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001943), Mr X and his family ² 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 an associated THS visas.

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 485 *Opaque* and were detained on 17 October 2012.

² Mr X and Ms Y's second son was born in Australia in August 2013. He has been in detention for less than two years and is not subject to reporting under s 486N.

Health and welfare

Mr X

8 November 2012	Mr X disclosed a history of torture and trauma but declined specialist counselling. He was advised to self-refer to the mental health team as required.
February 2013	Mr X was diagnosed with latent tuberculosis (TB) after returning a positive Mantoux test and was referred to a specialist clinic. He was provided with education and discharged in November 2013 with no follow up required.
DIBP did not provide an IHMS Health Summary Report for Mr X for the period 11 November 2014 to 22 April 2015.	

Ms Y

17 October 2012 – 2 November 2014	IHMS advised that Ms Y did not require treatment for any major mental health issues.
26 June 2014	Ms Y returned a positive pregnancy test and was referred to a hospital antenatal clinic. IHMS advised that her estimated delivery date was in February 2015.
DIBP did not provide an IHMS Health Summary Report for Ms Y for the period 3 November 2014 to 22 April 2015.	

Master Z

11 February 2013	Master Z was diagnosed with latent TB after returning a positive Mantoux test and was referred to a specialist clinic.
26 February 2013	A chest x-ray and sputum test were conducted with no abnormalities identified. IHMS advised that he was discharged from the clinic in February 2014 with no follow up required.
DIBP did not provide an IHMS Health Summary Report for Master Z for the period 13 November 2014 to 22 April 2015.	

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 17 October 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.