

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

Name	Mr X (and family)
Citizenship	Stateless (claimed)
Year of birth	1975

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Stateless (claimed)	Stateless (claimed)
Year of birth	1991	2011

Ombudsman ID	1002646
Date of DIBP's reports	13 October 2014 and 29 April 2015
Total days in detention	Not provided

Detention history

13 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 470 <i>Zeitz</i> .
20 May 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention.

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.	
20 May 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major physical or mental health issues.
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Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.	
15 October 2012	Ms Y was identified as a hepatitis C carrier following routine pathology testing. She was provided with a management plan and referred to a specialist clinic.
September 2013	Ms Y gave birth to her daughter ¹ without complication.

Master Z

IHMS provided details of Master Z's health and welfare. No significant ongoing mental health concerns were noted.	
14 October 2012	IHMS advised that Master Z was chronically malnourished and dehydrated upon his arrival in Australia. He was admitted to hospital on 17 October 2012 for rehydration and refeeding and treated for a parasitic infection. He was discharged on 29 October 2012 and referred to a specialist clinic for ongoing monitoring.
12 March 2013	Master Z was reviewed by a paediatrician and improvements in his weight and appetite were noted. No further treatment was recommended and his condition was monitored by a general practitioner.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 20 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 13 October 2012 after arriving in Australia aboard *SIEV Zeitz* 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.

¹ Miss Q was born in Australia in September 2013. She has been in detention for less than two years and is not subject to reporting under s 486N.