

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	1974

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
Citizenship	Stateless (claimed)	Stateless (claimed)	Stateless (claimed)
Year of birth	1986	2010	2011

Ombudsman ID	1002648
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> . Mr X arrived in Australia with his nephew, Mr R, who is the subject of Ombudsman report 1002649. Mr R currently resides in community detention with his father and siblings.
4 June 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.	
4 June 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted.	
22 February 2013	IHMS advised that Mr X was diagnosed with latent tuberculosis following his induction health assessment. His chest x-ray returned a normal result and he was monitored as per state policy.

Ms Y

23 October 2012	A previous hepatitis B infection was identified following routine pathology testing. Ms Y was assessed as non-infectious and immune and no further monitoring was required.
31 December 2013	Ms Y presented to her general practitioner (GP) with gynaecological concerns. She was prescribed with pain relief medication and referred for an ultrasound.
14 August 2014	Ms Y was referred to a hospital emergency department by her GP after she presented with complications related to her gynaecological condition. IHMS advised that she received a blood transfusion and was prescribed with medication. She was discharged the following day with advice to follow up with the gynaecology clinic.
18 May 2015	IHMS reported that prior to her release from detention, Ms Y's gynaecological condition continued to be monitored by her GP.

Miss Z

13 October 2012 – 30 October 2014	IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.
DIBP did not provide an IHMS Health Summary Report for Miss Z for the period 31 October 2014 to 4 June 2015.	

Master Q

IHMS advised that Master Q did not require treatment for any major physical or mental health issues.
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Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 4 June 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 13 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.</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>
