

## 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).

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1980

### Family details

<b>Family members</b>	Ms Y (wife)	Miss Z (daughter)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1983	2010

<b>Ombudsman ID</b>	1002756
<b>Date of DIBP's reports</b>	1 November 2014 and 6 May 2015
<b>Total days in detention</b>	Not provided

### Detention history

1 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 510 <i>Oldsmobile</i> .
6 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.	
6 May 2015	Granted Bridging visas with associated THS visas.

### Health and welfare

*Mr X*

12 February 2013	International Health and Medical Services (IHMS) advised that Mr X was identified as a tuberculosis (TB) contact and referred for a chest x-ray as per state policy.
27 November 2013	Mr X was referred for psychological counselling after he presented to a general practitioner (GP) with symptoms of anxiety.
DIBP did not provide an IHMS Health Summary Report for Mr X for the period 25 November 2014 to 6 May 2015.	

### Ms Y

27 January 2013	Ms Y was identified as a TB contact and monitored as per state policy.
8 July 2013	Referred to a neurosurgeon following recurring neck and back pain. Prior to her release from detention, her condition was managed by the GP and a physiotherapist.
3 September 2013 – 12 December 2013	Disclosed a history of torture and trauma and attended specialist counselling sessions.
1 September 2014	Ms Y presented to a hospital emergency department with gynaecological concerns. She was referred to a specialist outpatient unit and monitored by the GP.
DIBP did not provide an IHMS Health Summary Report for Ms Y for the period 26 November 2014 to 6 May 2015.	

### Miss Z

3 November 2012	During her induction health assessment, IHMS was advised that Miss Z had been diagnosed with epilepsy. She was referred for diagnostic testing and to a paediatric neurologist.
25 January 2013	Miss Z was diagnosed with hearing loss and associated ear abnormalities during a review with a paediatrician. She was referred to an ear, nose and throat specialist and for speech and audiology assessments.
6 February 2013	Miss Z was identified as a TB contact and monitored as per state policy.
2 April 2013 – 3 April 2013	Miss Z was admitted to hospital for surgery to remove her tonsils and adenoids and to insert grommets.
October 2013	IHMS advised that Miss Z was due to have her grommets reviewed, however it was unable to confirm whether the review was conducted.
DIBP did not provide an IHMS Health Summary Report for Miss Z for the period 21 November 2014 to 6 May 2015.	

### Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 1 November 2012 after arriving in Australia aboard SIEV *Oldsmobile*, 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.