

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 24 months (two years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1985

Family details

Family members	Ms Z (wife)	Ms Y (mother-in-law)
Citizenship	Country A	Country A
Year of birth	1985	1952

Family members	Miss Q (step-daughter)	Master R (son)
Citizenship	Country A	Country A
Year of birth	2004	2007

Ombudsman ID	1003086
Date of DIBP's report	21 April 2015
Total days in detention	Not provided

Detention history

14 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 656 <i>Ealing</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, Ms Y, Ms Z and Master R

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X, Ms Y, Ms Z and Master R.

Miss Q

IHMS advised that Miss Q did not require treatment for any major physical or mental health issues.

Detention incidents

16 July 2013	A DIBP Incident Report recorded that Miss Q was allegedly assaulted by an adult detainee while the family was detained at an Alternative Place of Detention, Christmas Island. No further information was provided.
4 May 2014	A DIBP Incident Report recorded that Master R was allegedly assaulted by another minor detainee. No further information was provided.

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 14 April 2013 after arriving in Australia and were held in detention for over two 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.