

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fourth s 486O report on Mr X and his family who remained in immigration detention for more than 48 months (four years).

The first report 1001012 was tabled in Parliament on 11 December 2013, the second report 1001299 was tabled in Parliament on 24 September 2014 and the third report 1001976 was tabled in Parliament on 12 August 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1985
<b>Total days in detention</b>	1,460 (at date of DIBP's report)

### Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)	Master B (son)
<b>Citizenship</b>	Country A	Country A	Country A, born in Australia
<b>Year of birth</b>	1990	2009	2012
<b>Total days in detention</b>	1,460 (at date of DIBP's report)	1,460 (at date of DIBP's report)	1,113 (at date of DIBP's report)

<b>Ombudsman ID</b>	1002474
<b>Date of DIBP's report</b>	6 May 2015

### Recent detention history

Since the Ombudsman's previous report (1001976), Mr X and his family remained in community detention.	
30 July 2015	Mr X and his family were granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

### Recent visa applications/case progression

21 July 2014	Mr X and his family were issued with a letter inviting them to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. <sup>1</sup>
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<sup>1</sup> In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

15 December 2014	Mr X and his family were issued with a letter notifying them of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of their case engage Australia's <i>non-refoulement</i> obligations.
21 April 2015	Mr X and Ms Y attended an interview related to the ITOA.
30 July 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 while in detention. No significant ongoing physical health concerns were noted.	
13 March 2015	IHMS advised that Mr X presented to his general practitioner (GP) with symptoms of anxiety and depression. A mental health care plan was created and Mr X was referred to a psychologist. There was no documentation to indicate that any psychological counselling sessions were attended.

#### *Ms Y*

IHMS provided details of Ms Y's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
6 January 2015 – ongoing	Ms Y was diagnosed with depression by her GP and prescribed with antidepressant medication.
3 February 2015 – ongoing	Health concerns were identified. The GP prescribed Ms Y with medication and monitored her condition.
17 February 2015	She requested a psychological referral following symptoms of stress and anxiety. Her GP organised a community mental health plan referral. IHMS advised it did not have further documentation to confirm her attendance.

#### *Master Z and Master B*

IHMS advised that Master Z and Master B did not require treatment for any major physical or mental health issues.
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### Case status

Mr X and his family have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Their protection claims are being reassessed under an ITOA.
Mr X and his family were granted Bridging visas with associated THS visas on 30 July 2015 and released from immigration detention.