

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	Country A
Year of birth	1966

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1968	2007

Ombudsman ID	1002652
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 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.	
11 April 2013	<p>Ms Y reported that she had previously been diagnosed with an auto-immune condition and had undergone thyroid surgery in 2005. IHMS advised that Ms Y experiences skin irritations and significant hormonal issues related to her condition and she had not previously received treatment.</p> <p>She was assessed by a multi-disciplinary team, including an endocrinologist and was prescribed with medication. Prior to her release from detention, her condition was monitored by a general practitioner and improvements were noted.</p>

Miss Z

DIBP did not provide an IHMS Health Summary Report for Miss Z for the period 13 October 2012 to 4 November 2014.	
5 November 2014 – 20 May 2015	IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.

Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 20 May 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>
