

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and Ms Y who remained in immigration detention for more than 30 months (two and a half years).

The first report 1003258¹ was tabled in Parliament on 25 February 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1976

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1981

Ombudsman ID	1003258
Date of DIBP's report	23 March 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1003258), Mr X and Ms Y remained in community detention.	
22 April 2015	Granted Bridging visas and released from detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to being released from detention, Mr X and Ms Y 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.	
22 April 2015	Granted Bridging visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
7 December 2012	Disclosed a history of torture and trauma but declined specialist counselling.

¹ Mr X and Ms Y were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 431 *Licorice* and were detained on 1 September 2012.

27 March 2014	During a consultation with his general practitioner (GP) Mr X reported that he was experiencing poor sleep, reduced appetite, low energy and anger management issues
11 April 2014	Mr X was diagnosed with depression and prescribed with antidepressant medication during a consultation with his GP. He was provided with education and referred to a psychologist.
22 July 2014 and 19 August 2014	Reviewed by a psychologist who noted that Mr X was experiencing symptoms of depression and post-traumatic stress disorder, including insomnia and anxiety. Mr X reported that he was anxious about the safety of his son, who resides in Country A. It was recommended that he attend further psychological counselling.
30 September 2014	Reviewed by a psychologist who reported that Mr X was at risk of suicide and experiencing situational depression. The psychologist noted that his elevated anxiety symptoms may be reduced if he was reunited with his son. IHMS advised that his antidepressant medication was adjusted.
6 October 2014 and 22 October 2014	Reviewed by his GP following ongoing mental health concerns. On 22 October 2014 he was referred to a psychiatrist for further treatment.
17 October 2014	Reviewed by a psychologist who noted that Mr X continued to express suicidal thoughts and experience depressive symptoms.
24 December 2014	Mr X advised that his symptoms had improved and he had ceased taking his antidepressant medication. He was provided with education but declined a referral for further psychological counselling.
26 February 2015	Reviewed by his GP who noted that he presented with symptoms of depression, obsessive compulsive disorder and was apprehensive about taking antidepressant medication. He was provided with education but declined a referral for psychological counselling.

Ms Y

7 December 2012	Disclosed a history of torture and trauma but declined specialist counselling.
January 2013	Ms Y gave birth to her daughter ² without complication.
17 October 2013	Diagnosed with depression after presenting to her GP with poor sleep and anxiety related to her separation from her son. She was prescribed with antidepressant medication and referred to a psychologist.
2 July 2014	IHMS advised that she presented with ongoing symptoms of depression and anxiety, but declined further antidepressant medication. Prior to her release from detention, her condition was monitored by her GP.

² Miss Z was born in Australia in January 2013. She has been in detention for less than two years and is not subject to reporting under s 486N.

Detention incidents

4 July 2013	A DIBP Incident Report recorded that Mr X experienced an episode of dizziness and was involved in a car accident. The relevant authorities were notified but no further information was provided.
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Ombudsman assessment/recommendation

Mr X and Ms Y were granted Bridging visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and Ms Y were detained on 1 September 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 Mr X and Ms Y's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and Ms Y's protection claims commence as soon as possible.