

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 his family who remained in immigration detention for more than 30 months (two and a half years).

The first report 1001945¹ was tabled in Parliament on 13 May 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1971

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1980	1999

Family members	Master Q (son)	Master R (son)
Citizenship	Country A	Country A
Year of birth	2006	2008

Ombudsman ID	1002592
Date of DIBP's report	29 April 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001945), Mr X and his family remained in community detention.	
20 May 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) 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 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 of the <i>Migration Act 1958</i> .	
20 May 2015	Granted Bridging visas with associated THS visas.

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 488 *Redbank* and were detained on 19 October 2012.

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.	
2 February 2015	Mr X was reviewed by a specialist counsellor following mental health concerns related to his immigration pathway. IHMS advised that he was referred for further counselling, however it could not confirm his attendance. No further concerns were reported.

Ms Y

30 April 2013	Admitted to hospital for surgery. Her condition was monitored by a specialist and no concerns were reported.
September 2013	Ms Y gave birth to her daughter ² without complication.
10 January 2015	Ms Y was reviewed by a general practitioner after she collapsed. A computed tomography scan identified no abnormalities and she was referred for a magnetic resonance imaging (MRI) scan. IHMS were awaiting the results of the MRI at the time of its report.
5 June 2015	IHMS advised that Ms Y attended three specialist counselling sessions (dates not provided) for management of depression and disassociation related to her history of torture and trauma. Ms Y declined further counselling and no further concerns were reported.

Master Z

19 October 2012 – 5 November 2014	IHMS advised that Master Z did not require treatment for any major physical or mental health issues.
DIBP did not provide an IHMS Health Summary Report for Master Z for the period 6 November 2014 to 20 May 2015.	

Master Q and Master R

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

² Miss S was born in Australia in September 2013 and detained on 10 March 2014. In December 2015 DIBP advised that the time that elapsed between Miss S's birth and the date on which she was detained was due to a delay in developing and finalising new policy guidelines for the detention of babies born to parents in community detention. She has been in detention for less than two years and is not subject to reporting under s 486N.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 20 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 19 October 2012 after arriving in Australia aboard SIEV *Redbank* 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.