

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	Stateless (claimed)
Year of birth	1985

Family details

Family members	Ms Y (wife)	Master Z (son)	Miss Q ¹ (daughter)
Citizenship	Stateless (claimed)	Stateless (claimed)	Stateless (claimed), born in Australia
Year of birth	1993	2011	2013

Ombudsman ID	1002654
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.

¹ Miss Q was detained on 11 February 2013.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted.	
1 November 2012	IHMS advised that Mr X was diagnosed with hepatitis C following routine pathology testing. He was advised to attend regular pathology testing and provided with transmission education. Prior to his release from detention, he was awaiting a specialist assessment at a liver clinic.
24 December 2012	IHMS reported that he was prescribed with preventative medication for tuberculosis after presenting to a hospital emergency department. No further information was provided to IHMS and the issue was referred to the family's caseworker for review.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.	
January 2013	Ms Y gave birth to her daughter without complication.

Master Z

17 April 2014 – ongoing	<p>IHMS advised that concerns were raised by a general practitioner (GP) in relation to Master Z's development and mental health. The GP noted that Master Z presented with delayed speech, reduced appetite and was withdrawn, fearful and avoided interactions with other people, including his parents.</p> <p>IHMS advised that he was provided with a treatment plan and his condition was monitored by multiple specialists including a speech pathologist, paediatrician and occupational therapist. He also received behavioural therapy for management of his reduced appetite. IHMS reported that improvements in his condition were noted, including increased alertness and interactivity.</p>
DIBP did not provide an IHMS Health Summary Report for the period 31 October 2014 to 19 April 2015.	

Miss Q

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

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 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.

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.