

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 1002945¹ 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 family)
Citizenship	Country A
Year of birth	1965

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1977	1999

Ombudsman ID	1002945
Date of DIBP's report	19 March 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1002945), Mr X and his family 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 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> .	
22 April 2015	Granted Bridging visas.

Health and welfare

Mr X

27 August 2012	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma but declined specialist counselling.
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¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 420 *Anise* and were detained on 30 August 2012.

29 November 2012	Mr X was reviewed by a psychiatrist and diagnosed with chronic post-traumatic stress disorder with depressive symptoms. He was prescribed with antidepressant medication and referred for counselling. Prior to his release from detention, Mr X was regularly reviewed by a general practitioner and improvements in his mood were noted.
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Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing physical or mental health concerns were noted.

Miss Z

IHMS provided details of Miss Z's health and welfare. No significant ongoing physical health concerns were noted.

16 October 2012	Disclosed a history of torture and trauma but declined specialist counselling. She was advised to self-refer to the mental health team as required.
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Ombudsman assessment/recommendation

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

The Ombudsman notes that Mr X and his family were detained on 30 August 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.