

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 36 months (three years).

The first report 1001824 was tabled in Parliament on 3 December 2014. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Stateless (claimed), born in Country A
Year of birth	1976

Family details

Family members	Ms Y (wife)	Mr Z (son)
Citizenship	Stateless (claimed), born in Country A	Stateless (claimed), born in Country A
Year of birth	1965	1993

Family members	Mr Q (son)	Master R (son)
Citizenship	Stateless (claimed), born in Country B	Stateless (claimed), born in Country B
Year of birth	1994	2001

Ombudsman ID	1002301
Date of DIBP's reports	17 February 2015 and 17 August 2015
Total days in detention	1,095 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001824), Mr X and his family remained in community detention.	
17 September 2014	Mr X was transferred to Melbourne Immigration Transit Accommodation (ITA) following domestic violence charges.
22 December 2014	Mr X was transferred from Melbourne ITA to Maribyrnong Immigration Detention Centre (IDC).
5 February 2015	The Minister intervened under s 197AB to allow Mr X to reside in community detention with his family.
13 February 2015	Mr X was transferred from Maribyrnong IDC to community detention.
2 October 2015	Mr X and his family were granted Bridging visas and released from detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that, prior to ministerial intervention, 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 were subject to the bar under s 46A.	
13 March 2014	Mr X and his family were issued with a letter inviting them to comment on the unintentional release of personal information through DIBP's website. ¹
13 August 2015	The Minister lifted the bar under s 46A to allow Mr X and his family to lodge a temporary visa application.
2 October 2015	Granted Bridging visas.

Criminal matters

25 August 2014	Mr X was issued with a Family Violence Safety Notice by the Dandenong Magistrates' Court which remained in effect until 20 October 2014.
20 October 2014	Mr X appeared at the Dandenong Magistrates' Court. The Court determined that a charge would not be recorded, but an Intervention Order was placed on Mr X until 15 December 2014 and it was recommended that he attend a parenting program.

Health and welfare

Mr X

5 September 2014	International Health and Medical Services (IHMS) advised that Mr X was referred for psychological assessment following symptoms of stress and depression after he was alleged to have assaulted his son.
21 November 2014	Assessed by a psychiatrist with no new or ongoing issues reported.

Ms Y

27 November 2014	Referred to a psychologist for counselling following symptoms of increased stress. However, IHMS had no record that Ms Y had attended the consultation. Her mental health continued to be monitored by her general practitioner (GP).
4 February 2015 and 27 February 2015	Attended two ultrasound appointments.
4 August 2015	Ms Y continued to receive medication for her pre-existing diabetes, high cholesterol and hypertension.

¹ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

Mr Z and Mr Q

IHMS advised that Mr Z and Mr Q did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Master R

22 August 2014

Master R was examined by a GP following a domestic violence incident. He was reported to have suffered bruising to his hand and thigh. No further follow up was required.

Case status

Mr X and his family were granted Bridging visas on 2 October 2015 and released from immigration detention.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Mr X and his family to lodge a temporary visa application. The family is awaiting an invitation to apply for a temporary visa.