

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 24 months (two years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1955

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1965	1998

Family members	Miss Q (daughter)	Miss R (daughter)
Citizenship	Country A	Country A
Year of birth	1998	2005

Ombudsman ID	1002760
Date of DIBP's report	1 November 2014
Total days in detention	Not provided

Detention history

1 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 510 <i>Oldsmobile</i> .
11 March 2015	Granted Bridging 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.	
11 March 2015	Granted Bridging visas.

Health and welfare

Mr X

4 December 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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29 January 2013	Identified as a tuberculosis (TB) contact. A chest x-ray identified no abnormalities and prior to his release from detention he was monitored as per state policy.
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Ms Y

4 December 2012	Disclosed a history of torture and trauma but declined specialist counselling.
26 February 2013	Identified as a TB contact. A chest x-ray identified no abnormalities and prior to her release from detention she was monitored as per state policy.
19 July 2013	Admitted to hospital for a surgical procedure to remove her gall bladder. IHMS advised that there were no complications and Ms Y recovered well from the procedure.
21 July 2014	Presented to her general practitioner (GP) with joint and back pain. Pathology testing was conducted and she was diagnosed with probable connective tissue disease. Prior to her release from detention Ms Y was awaiting a public referral to a rheumatologist.
24 October 2014	Ms Y was placed on a mental health plan after presenting with symptoms related to anxiety and depression. She was referred to a psychiatrist and counsellor.

Master Z

IHMS provided details of Master Z's health and welfare while in detention. No significant ongoing mental health concerns were noted.	
26 February 2013	Identified as a TB contact. A chest x-ray identified no abnormalities and prior to his release from detention he was monitored as per state policy.

Miss Q

IHMS provided details of Miss Q's health and welfare while in detention. No significant ongoing mental health concerns were noted.	
17 December 2013	Identified as a TB contact. A chest x-ray identified no abnormalities and prior to her release from detention she was monitored as per state policy.

Miss R

IHMS provided details of Miss R's health and welfare while in detention. No significant ongoing mental health concerns were noted.	
31 December 2013	Identified as a TB contact. A chest x-ray identified no abnormalities and prior to her release from detention she was monitored as per state policy.
11 September 2014	Miss R presented to her GP with recurring urinary tract infections and was referred for a renal ultrasound. IHMS advised it had not received the results at the time of its report.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas on 11 March 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 1 November 2012 after arriving in Australia and were held in detention for over two 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.