

## 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 1001982<sup>1</sup> was tabled in Parliament on 27 May 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1975

### Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1983	2002

<b>Family members</b>	Miss Q (daughter)	Master R (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	2004	2009

<b>Ombudsman ID</b>	1002594
<b>Date of DIBP's report</b>	12 May 2015
<b>Total days in detention</b>	Not provided

### Recent detention history

Since the Ombudsman's previous report (1001982), 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.

<sup>1</sup> Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 528 *Grenada* and were detained on 8 November 2012.

## Health and welfare

### Mr X

31 December 2012	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and accepted a referral for specialist counselling.
February 2013	Mr X declined further counselling and was advised to self-refer as required.
May 2013	During a consultation with a general practitioner, Mr X presented with symptoms of anxiety and stress and requested a referral for psychological counselling.
21 October 2013	Identified as a tuberculosis (TB) contact. A chest x-ray returned normal results and he was monitored as per state policy.
17 January 2014 – ongoing	Mr X presented with symptoms of insomnia, anxiety and depression during a consultation with a psychologist and was diagnosed with post-traumatic stress disorder. IHMS advised that prior to his release from detention, Mr X continued to attend regular psychological counselling for management of his symptoms.

### Ms Y

10 January 2013	Disclosed a history of torture and trauma and was referred for specialist counselling.
14 May 2013	Referred for psychological counselling.
September 2013	Ms Y gave birth to her son <sup>2</sup> without complication.
21 October 2013	Identified as a TB contact. A chest x-ray returned normal results and she was monitored as per state policy.
17 January 2014 – 3 March 2014	Attended four psychological counselling sessions.

### Master Z

5 August 2013	Master Z was reviewed by a specialist counsellor and a history of torture and trauma was suspected. It was recommended that he attend further counselling, however IHMS advised that no further counselling was attended.
28 November 2013	Identified as a TB contact. A chest x-ray returned normal results and he was monitored as per state policy.

### Miss Q

19 December 2012	IHMS advised that Miss Q had previously been diagnosed with a kidney disorder. She was reviewed by a renal specialist (date not provided) and no ongoing treatment was required.
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<sup>2</sup> Master S was born in Australia in September 2013 and detained on the same day. He was in detention for less than two years and is not subject to reporting under s 486N.

1 May 2013	Miss Q was admitted to hospital for treatment following complications related to her kidney disorder.
21 May 2013	Identified as a TB contact. A chest x-ray returned normal results and she was monitored as per state policy.
August 2013	Miss Q was reviewed by a specialist counsellor following concerns for her mental health. The counsellor reported that she was experiencing symptoms of psychological stress and it was recommended that she attend further counselling. IHMS could not confirm whether further counselling was attended.

*Master R*

IHMS provided details of Master R's health and welfare. No significant ongoing mental health concerns were noted.	
21 May 2013	Identified as a TB contact. A chest x-ray returned normal results and he was monitored as per state policy.

**Ombudsman assessment/recommendation**

<p>Mr X and his family were granted Bridging visas with associated THS visas on 20 May 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 8 November 2012 after arriving in Australia aboard SIEV <i>Grenada</i> 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.</p> <p>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.</p>
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