

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 42 months (three and a half years).

The first report 1001854¹ was tabled in Parliament on 4 March 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	1973

Family details

Family members	Ms Y (wife)	Mr Z (son)
Citizenship	Country A	Country A
Year of birth	1977	1997

Family members	Miss Q (daughter)	Master R (son)
Citizenship	Country A	Country A
Year of birth	2000	2006

Ombudsman ID	1002659
Date of DIBP's reports	19 March 2015, 26 August 2015 and 26 February 2016
Total days in detention	1,276 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001854), Mr X and his family remained in community detention.	
17 March 2016	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 of the <i>Migration Act 1958</i> .	
13 March 2014	DIBP notified Mr X and his family of the unintentional release of personal information. ²

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) *Imli* and were detained on 29 August 2012.

² 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.

12 May 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application. On 14 July 2015 the family was invited to apply for a temporary visa.
10 August 2015	Mr X and his family requested an extension of time to lodge their temporary visa application. DIBP advised Mr X and his family to lodge their application within 28 days as any further delay may impact on the processing of their application.
5 November 2015	Lodged a Safe Haven Enterprise visa (SHEV) application which triggered an associated Bridging visa application.
17 November 2015	Bridging visa application was deemed invalid.
3 December 2015	Ms Y attended an interview in relation to the family's SHEV application.
4 December 2015	Mr X and his son, Mr Z, attended interviews in relation to the family's SHEV application.
17 December 2015	DIBP advised that it was satisfied with the family's identity records.
17 March 2016	Granted Bridging visas.

Health and welfare

Mr X

14 December 2012	International Health and Medical Services (IHMS) advised that Mr X was referred to an ear, nose and throat specialist following an issue with his breathing and ringing in his ears. He was prescribed with medication.
13 February 2015	Presented to a general practitioner (GP) with lower back pain. He was diagnosed with a degenerative disc disease following a computed tomography (CT) scan. He was referred for physiotherapy and prescribed with pain relief medication. He was also advised by the physiotherapist to commence a walking program at home to help manage the condition.
17 February 2015	Attended hospital with pain symptoms. He was diagnosed with renal colic, prescribed with pain relief medication and was discharged. No further concerns were raised.
10 August 2015	Following chronic headaches he attended a CT scan which identified inconclusive results.
16 October 2015	Attended a magnetic resonance imaging scan with no abnormalities identified.
3 November 2015	Referred to a neurology clinic for further opinion and management of his chronic headaches. An appointment was pending at the time of IHMS's latest report.

Ms Y

2 October 2012 – ongoing	Ms Y has a history of back, neck and shoulder pain. The condition has also caused secondary issues. She was prescribed with pain relief medication and her condition is managed by a GP and a physiotherapist. IHMS advised that an appointment with a neurosurgeon is pending.
6 September 2012 – ongoing	IHMS advised that Ms Y has a history of depression, anxiety and post-traumatic stress disorder. She continues to see a specialist counselling service and a psychiatrist for treatment and was prescribed with antidepressant medication.

Mr Z

IHMS advised that Mr Z has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Miss Q

16 July 2015	Presented to a GP following chronic back pain advising that anti-inflammatory medication had not worked. She was referred for a spinal x-ray with no abnormalities identified. It was recommended that she take pain relief medication as required and learn posture exercises to strengthen her back muscles.
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Master R

June 2014	Attended an ear, nose and throat specialist appointment following enlarged tonsils. He was referred for surgery to remove his tonsils and was placed on the public waiting list.
10 June 2015 – 11 June 2015	Admitted to hospital to remove his tonsils and adenoids. No complications were reported.

Case status

Mr X and his family were granted a Bridging visas on 17 March 2016 and released from immigration detention.

Mr X and his family were detained on 29 August 2012 after arriving in Australia aboard SIEV *Imli* and have been held in detention for over three and a half years.

On 12 May 2015 the Minister lifted the bar under s 46A to allow the family to apply for a temporary visa and on 5 November 2015 the family lodged a SHEV application.