

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	1980

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1988	2011

Ombudsman ID	1002841
Date of DIBP's report	14 November 2014
Total days in detention	Not provided

Detention history

14 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 534 <i>Mustang</i> .
6 May 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) 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.	
6 May 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
November 2012	Disclosed a history of torture and trauma and accepted a referral for specialised counselling.
15 August 2013	Mr X was reviewed by a psychologist. IHMS advised that he declined a referral for further counselling.

Ms Y

November 2012	Disclosed a history of torture and trauma and accepted a referral for specialist counselling.
15 August 2013 – 17 April 2014	Attended 18 appointments with a psychologist. Ms Y's mental health continues to be monitored by her general practitioner.
28 February 2014	Ms Y was diagnosed with gestational diabetes during her pregnancy and was reviewed by a diabetes specialist.
July 2014	Ms Y gave birth to her twin daughters ¹ without complication.

Miss Z

IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 14 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.

¹ Miss Q and Miss R were born in Australia in July 2014 and were detained on the same day. They have been in detention for less than two years and are not subject to reporting under s 486N.