

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 1002017¹ was tabled in Parliament on 12 August 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	1966

Family details

Family members	Ms Y (wife)	Mr Z (son)
Citizenship	Country A	Country A
Year of birth	1967	1997

Family members	Master Q (son)	Master R (son)
Citizenship	Country A	Country A
Year of birth	2004	2008

Ombudsman ID	1002860
Date of DIBP's report	13 May 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1002017), 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.

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 533 *Lincoln* and were detained on 13 November 2011.

Health and welfare

Mr X

6 December 2012	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma but declined a referral for specialist counselling. He was advised to self-refer to the mental health team as required.
10 September 2014	Mr X was diagnosed with degenerative spinal abnormalities following a computed tomography scan and was referred for physiotherapy. On 18 September 2014 he received a guided steroid injection for his ongoing back pain. No further concerns were reported.

Ms Y, Mr Z, Master Q and Master R

IHMS advised that Ms Y, Mr Z, Master Q and Master R 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 20 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 13 November 2011 after arriving in Australia aboard SIEV *Lincoln*, 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.

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.