

# 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 1001852<sup>1</sup> was tabled in Parliament on 25 February 2015. This report updates the material in that report and should be read in conjunction with the previous report.

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|----------------------|-------------------|
| <b>Name</b>          | Mr X (and family) |
| <b>Citizenship</b>   | Country A         |
| <b>Year of birth</b> | 1970              |

## Family details

|                       |             |                   |
|-----------------------|-------------|-------------------|
| <b>Family members</b> | Ms Y (wife) | Miss Z (daughter) |
| <b>Citizenship</b>    | Country A   | Country A         |
| <b>Year of birth</b>  | 1969        | 2003              |

|                                |               |
|--------------------------------|---------------|
| <b>Ombudsman ID</b>            | 1002946       |
| <b>Date of DIBP's report</b>   | 19 March 2015 |
| <b>Total days in detention</b> | Not provided  |

## Detention history

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| Since the Ombudsman's previous report (1001852), Mr X and his family remained in community detention. |   |
| 25 March 2015   | Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention. |

## Visa applications/case progression

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| 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> . |   |
| 25 March 2015   | Granted Bridging visas with associated THS visas. |

## Health and welfare

*Mr X*

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| International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted. |   |
| 17 September 2014 –<br>15 January 2015  | Mr X's high blood pressure and type 2 diabetes were monitored and he was provided with treatment by a general practitioner. |

<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) 420 *Anise* and were detained on 30 August 2012.

Ms Y

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| IHMS provided details of Ms Y's health and welfare. No significant ongoing physical health concerns were noted. |  |
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| 25 September 2014 –<br>16 January 2015 | Ms Y attended regular psychological counselling sessions to cope with her grief and stress. She was prescribed with antidepressant medication on 16 December 2014. |
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Miss Z

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| IHMS advised that Miss Z did not require treatment for any significant physical or mental health concerns. |
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**Ombudsman assessment/recommendation**

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| Mr X and his family were granted Bridging visas with associated THS visas on 25 March 2015 and released from immigration detention. |
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| The Ombudsman notes that Mr X and his family were detained on 30 August 2012 after arriving in Australia aboard SIEV <i>Anise</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. |
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| 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. |
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