

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 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	1969

Family members

Name	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1980	2001

Name	Miss P (daughter)	Master Q (son)
Citizenship	Country A	Country A
Year of birth	2004	2009

Ombudsman ID	1002661
Date of DIBP's report	19 March 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001854), Mr X and his family ² remained in community detention.	
22 April 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.	
22 April 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 the Suspected Illegal Entry Vessel 428 *Imli* and were detained on 29 August 2012.

² Mr X and Ms Y's fourth child (name and gender not provided) was born in Australia in July 2013 and has been in detention for less than two years. The child is not subject to reporting under s 486N.

Health and welfare

Mr X

5 August 2014 – 22 April 2015	International Health and Medical Services (IHMS) reported that Mr X was treated for a spinal disc bulge with physiotherapy sessions and prescribed with medication. His condition was monitored by a general practitioner.
18 November 2014 – 8 January 2015	He was identified to have symptoms of anxiety and depression but declined prescription medication. On 9 December 2014 a psychological assessment diagnosed his symptoms as severe and counselling sessions were recommended. IHMS advised that Mr X did not attend any counselling sessions.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing physical health concerns were noted.	
15 August 2014 – 8 January 2015	She attended a psychological counselling session following intermittent periods of depression and anxiety but declined to attend any further sessions. IHMS advised that Ms Y was made aware of referral processes should she require further counselling.
10 December 2014	A DIBP Incident Report recorded that Ms Y was threatening self-harm following distress caused by an impending move to a new house. IHMS advised that she declined recommendations of psychological intervention.

Master Z and Master Q

IHMS advised that Master Z and Master Q did not require treatment for any major physical or mental health issues during this reporting period.	
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Miss P

IHMS provided details of Miss P's health and welfare. No significant ongoing mental health concerns were noted.	
17 December 2014	She was diagnosed with allergic dermatitis and was prescribed with antibiotics and medication.

Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 29 August 2012 after arriving in Australia 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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