

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 1001813¹ was tabled in Parliament on 29 October 2014. 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	1963

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Miss Q (daughter)
Citizenship	Country A	Country A	Country A
Year of birth	1981	2002	2010

Ombudsman ID	1002901
Date of DIBP's report	16 February 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001813), 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.

Health and welfare

Mr X

31 December 2012	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and accepted specialist counselling.
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¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 413 *Surat* and were detained on 16 August 2012.

31 December 2012	IHMS advised that Mr X has presented to the general practitioner (GP) on multiple occasions with recurring back, neck and arm pain and was prescribed with pain relief medication. He was referred for physiotherapy on 5 February 2013 following increased pain.
22 April 2013 – 2 September 2014	Mr X attended regular physiotherapy sessions.
17 November 2014	A chest x-ray and magnetic resonance imaging scan were conducted and he was diagnosed with spinal degenerative abnormalities. He was prescribed with medication and attended physiotherapy.

Ms Y

30 December 2012	Referred to a neurologist after she presented to the GP with ongoing wrist pain.
23 April 2013	Ms Y was reviewed by a neurologist and diagnosed with carpal tunnel syndrome. She was treated and referred for physiotherapy.
5 February 2014	Referred for psychological counselling after she presented to the GP with symptoms of stress and sleep issues. She attended an initial consultation on 25 February 2013.
23 August 2014	IHMS advised that prior to her release from detention, Ms Y attended regular psychological counselling and received cognitive behavioural therapy for her anxiety (dates not provided).
3 September 2014	Admitted to hospital for surgery to reduce her wrist pain. She was discharged with advice to exercise and attend a follow-up with a specialist.

Miss Z and Miss Q

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

Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 20 May 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 16 August 2012 after arriving in Australia aboard SIEV <i>Surat</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.</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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