

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	1978

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1968	2009	2011

Ombudsman ID	1002966
Date of DIBP's report	15 November 2014
Total days in detention	Not provided

Detention history

15 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 535 <i>Nyberg</i> .
22 April 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.	
22 April 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X, Miss Z and Master Q

International Health and Medical Services (IHMS) advised that Mr X, Miss Z and Master Q did not require treatment for any major physical or mental health issues.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing physical health concerns were noted.

24 June 2014

Ms Y was diagnosed with depression and referred for counselling after presenting to her general practitioner with symptoms of insomnia and emotional distress. IHMS advised that Ms Y had previously been prescribed with antidepressant medication.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 15 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.