

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 1001915¹ was tabled in Parliament on 18 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	1978

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1987	2008

Ombudsman ID	1003327
Date of DIBP's report	9 April 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001915), Mr X and his family 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 was 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> .	
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 Suspected Illegal Entry Vessel 464 *Sellwood* and were detained on 29 September 2012.

Health and welfare

Mr X

25 October 2013	International Health and Medical Services (IHMS) advised that Mr X presented to a general practitioner (GP) on multiple occasions with chronic skin irritations. He was prescribed with medication and referred to a dermatologist. Prior to his release from detention, his condition continued to be monitored by his GP.
15 April 2014	Mr X presented to a hospital emergency department and reported that he was experiencing suicidal thoughts and stress related to his ongoing skin condition. He was assessed by the mental health team but declined a prescription for antidepressant medication. IHMS advised that he was referred to a psychologist and attended supportive counselling.
30 April 2014 – 28 May 2014	Attended three counselling sessions. On 28 May 2014, Mr X declined further counselling and no further mental health concerns were raised.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing physical health concerns were noted.	
13 January 2015	Ms Y reported that she was experiencing low mood and hopelessness during a consultation with her GP and was referred for specialist counselling.

Master Z

IHMS advised that master Z did not require treatment for any major physical or mental health concerns.	
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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 September 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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