

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	1980

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1982	2001	2006

Ombudsman ID	1002637
Date of DIBP's report	13 October 2014
Total days in detention	Not provided

Detention history

13 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 477 <i>Gaggin</i> .
11 March 2015	Granted Bridging 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.	
11 March 2015	Granted Bridging visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare while in detention. No significant ongoing physical health concerns were noted.	
9 November 2012 – ongoing	Disclosed a history of torture and trauma and attended specialist counselling. IHMS advised that he was diagnosed with post-traumatic stress disorder.
17 November 2012	Mr X was reviewed by a psychiatrist and prescribed with antidepressant medication. IHMS advised that prior to his release from detention, Mr X continued to attend specialist counselling.

Ms Y

22 May 2014	Ms Y was admitted to hospital for a medical procedure and discharged the same day without complications.
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Miss Z and Master Q

IHMS advised that Miss Z and Master 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 on 11 March 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 13 October 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.</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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