

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	1975

Family details

Family members	Ms Y (wife)	Mr Z (son)
Citizenship	Country A	Country A
Year of birth	1979	1996

Family members	Master Q (son)	Master R (son)
Citizenship	Country A	Country A
Year of birth	2003	2007

Ombudsman ID	1002618
Date of DIBP's report	10 June 2015
Total days in detention	730 (at date of DIBP's report)

Detention history

4 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 731 <i>Pyrford</i> .
4 June 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.	
4 June 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
14 June 2013	Mr X disclosed a history of torture and trauma and presented with symptoms of depression, including poor sleep, anxiety, flashbacks, anger and isolative behaviour.
14 August 2013 – 29 September 2014	IHMS advised that Mr X attended 32 specialist counselling sessions and was monitored by the mental health team. Following his transfer to community detention, his mental health was monitored by a general practitioner (GP).

Ms Y

14 June 2013	Disclosed a history of torture and trauma and accepted a referral for specialist counselling.
30 July 2013	Ms Y reported a two-year history of thyroid abnormalities during a consultation with a GP. Multiple nodules were identified but no functional issues were noted.
7 August 2013 – 18 September 2014	Attended 30 specialist counselling sessions.
April 2014	Ms Y was referred for a further thyroid ultrasound following ongoing pain and swelling. The results identified further nodules and she was advised of possible surgical options.
15 April 2014	A procedure identified further abnormalities and she was referred for surgery.
7 July 2014 – 10 July 2014	Admitted to hospital for a surgical procedure to remove her thyroid. She was prescribed with medication and discharged with advice to follow up with an endocrinologist and a GP.
September 2014	Ms Y presented with mental health concerns, included coping issues and low mood, and requested a referral for counselling. No further information was provided.
10 June 2015	IHMS advised that prior to her release from detention, Ms Y attended regular pathology testing for management of her thyroid condition and her medication was reviewed and administered by a GP.

Mr Z

IHMS provided details of Mr Z's health and welfare. No significant ongoing physical health concerns were noted.	
(date not provided)	Mr Z disclosed a history of torture and trauma and received counselling for management of anxiety and situational stress. No further mental health concerns were noted following his transfer to community detention.

Master Q

IHMS provided details of Master Q's health and welfare. No significant ongoing physical or mental health concerns were noted.

2 February 2015

A DIBP Incident Report recorded that Master Q was involved in a car accident while crossing a road near his school. DIBP advised that he was transferred to a hospital emergency department for treatment. No further information was provided.

Master R

IHMS advised that Master R did not require treatment for any major physical or mental health issues.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas on 4 June 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 4 June 2013 after arriving in Australia aboard SIEV *Pyrford* 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.