

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X and his wife, Ms Y, who have remained in immigration detention for more than 48 months (four years). This is the second s 486O report on their daughter, Miss Z, who has remained in immigration detention for more than 30 months.

The first report 1001864 on Mr X and his wife was tabled in Parliament on 18 March 2015 and the second report 1003270 was tabled in Parliament on 31 August 2016. The first report 1002340-O on Miss Z was tabled in Parliament on 8 November 2016.

This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1981
Total days in detention	1458 (at date of DIBP's latest report)

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1981	2013 (born in Australia)
Total days in detention	1458 (at date of DIBP's latest report)	909 (at date of DIBP's latest report)

Ombudsman ID	1002015-O
Date of DIBP's reports	8 March 2016 and 6 September 2016

Recent detention history

Since the Ombudsman's previous reports on Ms Y (1003422) and Miss Z (1002340-O), they have remained in community detention.	
Since the Ombudsman's previous report on Mr X (1003270), he remained at Wickham Point Alternative Place of Detention.	
30 June 2016	Mr X was transferred to Yongah Hill Immigration Detention Centre.

Recent visa applications/case progression

7 September 2015	Mr X accepted the Department of Immigration and Border Protection's (DIBP) Primary Application Information Service (PAIS) offer on behalf of himself and his family and they were assigned a PAIS provider.
3 December 2015 21 December 2015	DIBP received additional information in relation to the family's Temporary Protection visa (TPV) application.

7 March 2016	Mr X was interviewed in relation to the family's TPV application. Ms Y was interviewed on 10 March 2016.
28 April 2016	DIBP referred Mr X's case on a first stage ministerial submission for consideration under s 195A of the <i>Migration Act 1958</i> for the grant of a Bridging visa. The Minister declined to intervene on 30 June 2016.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X was treated for physical concerns including epididymitis and vision problems. A repeat epididymitis ultrasound has been requested. Mr X has also received physiotherapy for wrist pain.

IHMS further advised Mr X has a history of anxiety and depression and has ceased taking antidepressant medication. IHMS advised he self-refers to mental health services as required.

Ms Y

IHMS advised that Ms Y was treated for obesity and knee pain and was referred for psychological counselling for depression, situational stress and separation issues and prescribed with antidepressant medication. IHMS advised Ms Y's mental health issues are exacerbated by her continued separation from her husband.

20 October 2015	A DIBP Incident Report recorded that Ms Y was transported to hospital due to suicidal ideation.
-----------------	---

Miss Z

IHMS advised that Miss Z was referred for psychological review for behavioural issues and separation anxiety. Her psychiatrist recommended ongoing therapy, however Miss Z did not attend these appointments. IHMS further advised her medical conditions continue to be monitored by her community general practitioner.

14 September 2015	A DIBP Incident Report recorded that a medical practitioner had made a notification to the Queensland Department of Communities, Child Safety and Disability Services as a result of information provided by Ms Y during a medical appointment.
-------------------	---

Other matters

9 March 2016	DIBP advised that Mr X lodged a complaint with the Australian Human Rights Commission to which it provided responses on 11 April 2016 and 7 June 2016.
--------------	--

Ombudsman assessment/recommendation

Mr X and his wife were detained on 9 September 2012 after arriving in Australia by sea and have been held in detention for more than four years. Their daughter was born onshore and has been held in detention for more than two years.

On 27 August 2015 Ms Y lodged a TPV application for herself, her husband and her daughter.

On 7 September 2015 they were assigned a PAIS provider to assist them with lodging a new temporary visa application or providing supporting information for their existing application.

On 3 and 21 December 2015, they lodged additional supporting information.

The Ombudsman notes despite their separation, Mr X and his family have lodged an application for protection as a family unit.

The Ombudsman notes on 28 April 2016, Mr X was referred to the Minister for the grant of a bridging visa. On 30 June 2016, the minister declined to intervene.

The Ombudsman notes the potential risk to the family's mental health from prolonged separation from Mr X.

The Ombudsman recommends that Mr X be considered for a community detention placement or placement in a detention facility in the same city as his family.