

# 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 son who remained in immigration detention for more than 30 months (two and a half years).

The first report 1001914<sup>1</sup> was tabled in Parliament on 13 May 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and son)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1978

## Family details

<b>Family members</b>	Master Y (son)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2007

<b>Ombudsman ID</b>	1003326
<b>Date of DIBP's report</b>	8 April 2015
<b>Total days in detention</b>	Not provided

## Detention history

28 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 461 <i>Painter</i> .
9 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 son 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.	
9 April 2015	Granted Bridging visas with associated THS visas.

<sup>1</sup> Mr X and his son were previously reported on in a group report of people who arrived on SIEV 461 *Painter* and were detained on 28 September 2012.

## 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.	
29 May 2013	IHMS advised that Mr X disclosed a history of torture and trauma and was referred to a psychologist.
7 June 2013 – 11 February 2014	Attended seven appointments with a psychologist. IHMS advised that there was an improvement in Mr X's sleep and general wellbeing following these appointments.

*Master Y*

IHMS advised that Master Y did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.
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## Ombudsman assessment/recommendation

<p>Mr X and his son were granted Bridging visas with associated THS visas on 9 April 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his son were detained on 28 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 Mr X and his son's claims for protection had not commenced.</p> <p>The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and his son's protection claims commence as soon as possible.</p>
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