

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 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1977

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1987	2007

Ombudsman ID	1002630
Date of DIBP's reports	13 October 2014 and 29 April 2015
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 (SIEV) 469 <i>Yalga</i> .
6 May 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.	
6 May 2015	Granted Bridging visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted.	
29 July 2013	Mr X was diagnosed with an overactive thyroid following pathology testing and was referred to an endocrinologist.
2 September 2013 and 8 January 2014	Reviewed by an endocrinologist and prescribed with medication.

Mid 2014	IHMS advised that Mr X was diagnosed with an underactive thyroid and his medication was ceased. Prior to his release from detention, he was monitored by a general practitioner (GP) and endocrinologist.
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Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.	
October 2013	Ms Y's pregnancy was confirmed and she was referred for prenatal care.
5 March 2015	Ms Y presented to the GP with recurring abdominal pain. An ultrasound identified no abnormalities and the GP advised that her pain was likely to be related to her pregnancy.

Master Z

IHMS provided details of Master Z's health and welfare. No significant ongoing physical health concerns were noted.	
24 July 2014	IHMS advised that Master Z was referred to the GP for a mental health care plan after concerns were raised by his school social worker. It was noted that Master Z appeared unhappy, upset and was anxious about his mother's pregnancy.
14 August 2014	Master Z was referred for psychological counselling following a review with the GP.
20 September 2014	During a review with a psychologist it was noted that Master Z was experiencing separation anxiety from his parents while at school. Prior to his release from detention, Master Z continued to attend psychological counselling.

Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas on 6 May 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 aboard SIEV <i>Yalga</i> 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>
