

**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 Ms X and her sons who remained in immigration detention for more than 24 months (two years).

Name	Ms X (and sons)
Citizenship	Country A
Year of birth	1965

Family details

Family members	Master Y (son)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	2003	2008

Ombudsman ID	1002873
Date of DIBP's report	1 April 2015
Total days in detention	Not provided

Detention history

28 March 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 629 <i>Datsun</i> .
6 May 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, Ms X and her sons 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 with associated THS visas.

Health and welfare

Ms X

29 March 2013 – 21 May 2013	International Health and Medical Services (IHMS) reported that Ms X disclosed a history of torture and trauma and recurrent nightmares. She attended two specialist counselling sessions.
24 November 2013	Presented to hospital with abdominal pain and received treatment.
9 December 2013	IHMS advised that Ms X had a history of gallstones and she was referred for surgical review.

May 2013	Ms X was diagnosed with mild depression and a psychiatrist provided her with strategies to manage her symptoms. No further concerns were raised.
17 September 2014	Attended an emergency department and was treated for gallstones.
24 November 2014	Diagnosed with carpal tunnel syndrome in her wrist and provided with treatment.

Master Y

IHMS provided details of Master Y's health and welfare. No significant ongoing mental health concerns were noted.	
28 August 2013	Master Y fractured his wrist while playing sport. He was taken to hospital by ambulance and provided with treatment.

Master Z

IHMS provided details of Master Z health and welfare. No significant ongoing mental health concerns were noted.	
20 June 2013 – 6 May 2015	Master Z was diagnosed with tonsillitis. Recurrent episodes were treated and an ear, nose and throat specialist appointment was scheduled.

Ombudsman assessment/recommendation

<p>Ms X and her sons were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Ms X and her sons were detained on 28 September 2013 after arriving in Australia aboard SIEV <i>Datsun</i> 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>
