

## 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).

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1990

### Family details

<b>Family members</b>	Ms Y (wife)	Mr Z (brother)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1994	1996

<b>Family members</b>	Master Q (brother)	Miss R (sister)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1999	2005

<b>Ombudsman ID</b>	1002968
<b>Date of DIBP's report</b>	25 November 2014
<b>Total days in detention</b>	Not provided

### Detention history

25 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 544 <i>Wanderer</i> .
10 December 2014	Mr Z was granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa and released from community detention.
28 January 2015	Mr X, Ms Y, Master Q and Miss R were granted Bridging visas with associated 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.	
10 December 2014	Mr Z was granted a Bridging visa with an associated THS visa.
28 January 2015	Mr X, Ms Y, Master Q and Miss R were granted Bridging visas with associated THS visas.

## Health and welfare

*Mr X, Mr Z, Master Q and Miss R*

International Health and Medical Services (IHMS) advised that Mr X, Mr Z, Master Q and Miss R did not require treatment for any major physical or mental health issues.

*Ms Y*

1 March 2013	Ms Y's pregnancy was confirmed. IHMS advised that she was referred for routine antenatal appointments.
October 2013	Gave birth to her daughter, <sup>1</sup> without complication.

## Ombudsman assessment/recommendation

Mr Z was granted a Bridging visa with associated THS visa on 10 December 2014 and released from immigration detention.

Mr X, Ms Y, Master Q and Miss R were granted Bridging visas with associated THS visas on 28 January 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 25 November 2012 after arriving in Australia 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.

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<sup>1</sup> Mr X and Ms Y's daughter, Miss S, was born in Australia in October 2013 and has been in detention for less than two years. She is not subject to reporting under s 486N.