

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 family who remained in immigration detention for more than 42 months (three and a half years).

The first report 1001360 was tabled in Parliament on 25 June 2014 and the second report 10001585 was tabled in Parliament on 9 September 2015. 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	1983
Total days in detention	1,285 (at date of DIBP's report)

Family details

Family members	Ms Y (wife)	Master Z (son) ¹
Citizenship	Country A	Country A, born in Australia
Year of birth	1984	2013
Total days in detention	1,285 (at date of DIBP's report)	769 (at date of DIBP's report)

Ombudsman ID	1002602
Date of DIBP's report	10 June 2015

Recent detention history

Since the Ombudsman's previous report (1001585), Mr X and his family remained in community detention.	
14 August 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

27 May 2014	Mr X and Ms Y lodged a Temporary Protection visa (TPV) application on behalf of Master Z. The Department of Immigration and Border Protection (DIBP) advised that it was assessing this application to determine if legislative amendments had affected processing.
10 June 2015	DIBP advised it was awaiting the outcome of Mr X and Ms Y's security and character assessments initiated on 31 August 2012.
14 August 2015	Granted Bridging visas with associated THS visas.

¹ Master Z was born in Australia in January 2013 and was subject to an individual report under s 486N. He was previously reported on in Ombudsman report 1002552 and is now included in his family's report.

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.	
5 June 2015	IHMS advised that since its previous report to the Ombudsman Mr X continued to be prescribed with antidepressant medication and was monitored by his general practitioner for his mental health issues.

Ms Y

5 January 2015	Ms Y gave birth to her second son, Master B, ² without complication.
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Master Z

IHMS advised that Master Z did not require treatment for any major physical or mental health issues.	
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Case status

<p>Mr X and Ms Y have been found to be owed protection under the Refugee Convention. In June 2015 Mr X and Ms Y were awaiting the outcome of their security and character assessments and their son Master Z's TPV application was being assessed.</p> <p>The family were granted Bridging visas with associated THS visas on 14 August 2015 and released from immigration detention.</p> <p>The Ombudsman notes with concern that at the date of DIBP's latest review Mr X and Ms Y had been waiting for a period of almost three years for an outcome to their security and character assessments. The Ombudsman recommends that priority is given to expedite the assessment processes that are under the control of DIBP, including Master Z's TPV application.</p>

² Master B was born in Australia in January 2015 and detained on 25 February 2015. He was in detention for less than two years and is not subject to reporting under s 486N.