

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 Ms Y who have remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1980

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1991

Ombudsman ID	1002477
Date of DIBP's reports	11 May 2015 and 17 October 2015
Total days in detention	912 (at date of DIBP's latest report)

Detention history

18 April 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving in Darwin, Australia aboard Suspected Illegal Entry Vessel (SIEV) 657 <i>Fowley</i> . Mr X and Ms Y were transferred to Darwin Airport Lodge Alternative Place of Detention (APOD) earlier than other detainees from SIEV <i>Fowley</i> due to the requirement of medical treatment for Ms Y.
8 May 2013	Transferred to Wickham Point Immigration Detention Centre.
22 May 2013	Transferred to Wickham Point APOD.
22 August 2013	Transferred to Darwin Airport Lodge APOD.
17 November 2013	Transferred to Bladin APOD.
16 January 2014	Transferred to Wickham Point APOD.
13 May 2014	Transferred to Bladin APOD.
21 October 2014	Transferred to community detention.

Visa applications/case progression

12 September 2013	Lodged a Protection visa application. The Department of Immigration and Border Protection (DIBP) advised that as Mr X and Ms Y arrived in Australia as 'direct entry persons' ¹ they were not barred under s 46A from lodging Protection visa applications.
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¹ A maritime arrival to Australia's mainland who is seeking protection. Maritime arrivals who arrived as 'direct entry persons' after 13 August 2012 and before 20 May 2013 are not subject to the s 46A bar.

12 August 2014	Attended an interview in relation to their Protection visa application.
12 December 2014	Protection visa application refused.
19 December 2014	Appealed to the Refugee Review Tribunal (RRT).
25 March 2015	RRT affirmed original decision.
7 October 2015	Requested judicial review by the Federal Circuit Court (FCC).

Health and welfare

Mr X

3 August 2013	International Health and Medical Services (IHMS) advised that Mr X suffered a burn injury which developed into cellulitis. He was prescribed with antibiotics.
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Ms Y

November 2013	Ms Y gave birth to a son ² without complication.
14 February 2014	Presented to IHMS with complaints of back pain. An x-ray identified an inflammatory condition. She was prescribed with medication and provided with stretching exercises.
April 2015	Ms Y gave birth to a second son ³ without complication.

Case status

Mr X and Ms Y have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. They are awaiting the outcome of judicial review.
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² Master Z was born in Australia in November 2013 and has been in detention for less than two years. He is not subject to reporting under s 486N.

³ Master Q was born in Australia in April 2015 and has been in detention for less than two years. He is not subject to reporting under s 486N.