

## 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 remained in immigration detention for more than 30 months (two and a half years).

|                      |                 |
|----------------------|-----------------|
| <b>Name</b>          | Mr X (and wife) |
| <b>Citizenship</b>   | Country A       |
| <b>Year of birth</b> | 1986            |

### Family details

|                       |           |
|-----------------------|-----------|
| <b>Family members</b> | Ms Y      |
| <b>Citizenship</b>    | Country A |
| <b>Year of birth</b>  | 1983      |

|                                |                                   |
|--------------------------------|-----------------------------------|
| <b>Ombudsman ID</b>            | 1002636                           |
| <b>Date of DIBP's reports</b>  | 13 October 2014 and 29 April 2015 |
| <b>Total days in detention</b> | 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 480 <i>Jauncey</i> . |
| 22 April 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, Mr X and Ms Y 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. |   |
| 22 April 2015   | Granted Bridging visas with associated THS visas. |

### Health and welfare

*Mr X*

|  |
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| International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any physical or mental health issues. |
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Ms Y

|                         |  |
|-------------------------|--|
| May 2013                | Ms Y gave birth to her daughter <sup>1</sup> without complication.                                   |
| October 2014            | Ms Y was diagnosed with a medical condition and admitted to hospital for an investigative procedure. |
| December 2014 – ongoing | Reviewed at a specialist outpatient's clinic for ongoing management of her medical condition.        |

**Ombudsman assessment/recommendation**

Mr X and Ms Y were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and Ms Y were detained on 13 October 2012 after arriving in Australia 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 their claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and Ms Y's protection claims commence as soon as possible.

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<sup>1</sup>Miss Z was born in Australia in May 2013 and detained on 6 June 2013. She had been in detention for less than two years and is not subject to reporting under s 486N.