

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 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Stateless (claimed)
Year of birth	1980

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Stateless (claimed)	Stateless (claimed)
Year of birth	1987	2011

Ombudsman ID	1002631
Date of DIBP's reports	13 October 2014 and 29 April 2015
Total days in detention	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 (SIEV) 480 <i>Jauncey</i> .
20 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, 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.	
20 May 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
1 August 2014	Mr X was referred for psychological counselling after he presented to the general practitioner (GP) with symptoms of depression, including low mood, frustration, insomnia, social stress and reduced appetite.

14 August 2014 – 9 October 2014	Attended three psychological counselling sessions. IHMS advised that significant improvements were noted and no further concerns were reported.
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Ms Y

16 April 2013	Ms Y was referred for psychological counselling after she presented to the GP with recurring nightmares, mood concerns and flashbacks.
7 May 2013 – 26 February 2014	Attended six psychological counselling sessions. IHMS advised that she was diagnosed with post-traumatic stress disorder and depression and prescribed with antidepressant medication. She was referred to a psychiatrist on 28 February 2014.
11 July 2014 – 6 January 2015	Attended six appointments with a psychiatrist. IHMS advised that she was diagnosed with major depression and situational stress related to her history of torture and trauma. She was prescribed with an alternative antidepressant medication and received ongoing psychotherapy counselling.
7 November 2014	Ms Y's pregnancy was confirmed during a consultation with the GP. IHMS advised that Ms Y ceased her antidepressant medication in response to her pregnancy and she was monitored by a psychiatrist.
March 2015	During a consultation with her psychiatrist, Ms Y presented with anxiety and depression and was prescribed with an alternative antidepressant medication. Prior to her release from detention, she was monitored by a psychiatrist and GP.

Master Z

IHMS provided details of Master Z's health and welfare. No significant ongoing physical health concerns were noted.	
22 October 2013	Master Z was referred to a psychologist by a GP following behavioural concerns, including sleep issues.
21 November 2013	IHMS advised that Master Z was scheduled to attend a psychological review, however it could not confirm his attendance. Prior to his release from detention, no further concerns were reported.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 20 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 13 October 2012 after arriving in Australia aboard SIEV *Jauncey* 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 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.