

**REPORT BY THE COMMONWEALTH AND
IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT**

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and his children who have remained in immigration detention for more than 48 months (four years).

The first report 1002746 was tabled in Parliament on 14 October 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and children)
Citizenship	Country A
Year of birth	1971

Family details

Family members	Master Y (son)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	2007	2008

Ombudsman ID	1001547-O
Date of DIBP's reports	2 November 2015, 30 April 2016 and 29 October 2016
Total days in detention	1458 (at date of DIBP's latest report)

Detention history

1 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 510 <i>Oldsmobile</i> . The family was transferred to an Alternative Place of Detention (APOD), Christmas Island.
15 December 2012	Transferred to Darwin Airport Lodge APOD.
15 May 2014	Transferred to Bladin APOD.
23 December 2014	Transferred to Brisbane Immigration Transit Accommodation.
24 February 2015	Transferred to community detention.

Visa applications/case progression

13 November 2013	The family's case was found not to meet the guidelines for referral to the Minister under s 197AB for a community detention placement.
13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X and his children of the unintentional release of personal information ¹ and advised that the privacy breach would be taken into account when considering their protection claims.

¹ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

17 April 2014	Found not to meet the guidelines for referral to the Minister under s 195A for the possible grant of a Bridging visa.
5 February 2015	The Minister intervened under s 197AB to allow the family to reside in community detention.
29 September 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
2 November 2015	DIBP advised that Mr X was identified as a person of interest in relation to alleged onshore and offshore criminal matters. These matters have been finalised.
16 November 2015	DIBP invited Mr X and his children to apply for a temporary visa.
18 January 2016	Mr X was notified that his family was eligible to receive the Primary Application Information Service (PAIS) to assist them with lodging a temporary visa application. He accepted the offer on 25 January 2016 and was assigned a PAIS provider.
29 July 2016	Lodged a Safe Have Enterprise visa (SHEV) application.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X was referred for an x-ray and computed tomography scan after reporting jaw pain. He remains on a public orthopaedic waiting list to review a previously reported injury to the nerves in his arm and was discharged from tuberculosis monitoring services in December 2014 after completing a course of treatment and chest x-rays returned clear results.

IHMS further advised that Mr X had not reported any mental health concerns after being transferred into community detention.

Master Y

IHMS reported that Master Y was identified as a tuberculosis contact in 2012 and was monitored per state policy with no further review required.

IHMS advised that Master Y attended regular counselling for emotional disturbance, behavioural issues and reactive attachment disorder. His referral to child and youth mental health services was rejected and he was instead referred to a specialist counselling service. He attended fortnightly counselling sessions and was further reviewed by an occupational therapist following behavioural issues. The occupational therapist recommended referrals to a dietician and psychological counselling and advised that Master Y would also benefit from family counselling.

Miss Z

IHMS advised that Miss Z was identified as a tuberculosis contact and was monitored as per state policy with no further review required.

IHMS further advised that Miss Z received treatment and has attended counselling for post-traumatic stress disorder (PTSD), reactive attachment disorder, behavioural issues and a history of torture and trauma. After her referral to child and youth mental health services was rejected she was referred to a specialist counselling service and attended fortnightly counselling sessions. Miss Z was assessed by a psychiatrist in April 2016 and was trialled on medication for PTSD which was discontinued after no improvement was noted.

Case status

Mr X and his children were detained on 1 November 2012 after arriving in Australia by sea and have been held in detention for over four years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X and his children to apply for a temporary visa and on 29 July 2016 Mr X and his children lodged a SHEV application.