

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 have remained in immigration detention for more than 24 months (two years).

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

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1986	2009

Family members	Master Q (son)	Miss R (daughter)
Citizenship	Country A	Country A
Year of birth	2011	2012

Ombudsman ID	1002957
Date of DIBP's report	28 April 2015
Total days in detention	Not provided

Detention history

22 April 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland aboard Suspected Illegal Entry Vessel (SIEV) 657 <i>Fowley</i> .
The Department of Immigration and Border Protection (DIBP) advised that Mr X and his family are currently residing in community detention.	

Visa applications/case progression

DIBP advised that as Mr X and his family arrived in Australia as 'direct entry persons'¹ they are not barred under s 46A from lodging a Protection visa application.

DIBP further advised that following legislative amendment, the family are only eligible for temporary visas.

Health and welfare

Mr X and his family

DIBP did not provide an International Health and Medical Services Health Summary Report for Mr X and his family.

¹ A maritime arrival to Australia's mainland who is seeking protection.

Ombudsman assessment/recommendation

The Ombudsman notes that Mr X and his family were detained on 22 April 2013 after arriving on the Australian mainland aboard SIEV *Fowley* and have been held in detention for over two years with no processing of their protection claims.

The Ombudsman notes with concern that without an assessment of Mr X and his family's claims to determine if they are found to engage Australia's protection obligations, it appears likely that they will remain in detention for an indefinite period.

Given that the X family are not subject to the bar under s 46A, the Ombudsman recommends that the processing of the family's protection claims commence as soon as possible.