

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O report on Mr X and his family who remained in immigration detention for more than 36 months (three years).

The first report 1001516 was tabled in Parliament on 1 October 2014 and the second report 1001967 was tabled in Parliament on 13 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and family)
Citizenship	Stateless (claimed), born in country A
Year of birth	1983
Total days in detention	1,102 (at date of DIBP's report)

Family details

Family members	Ms Y (wife)	Master Z (son)	Master Q (son)
Citizenship	Stateless (claimed), born in country A	Stateless (claimed), born in country B	Stateless (claimed), born in Australia
Date of birth	1992	2010	2012
Total days in detention	1,102 (at date of DIBP's report)	1,102 (at date of DIBP's report)	Not provided

Ombudsman ID	1002469
Date of DIBP's report	8 May 2015

Recent detention history

Since the Ombudsman's previous report (1001967), Mr X and his family ¹ remained in community detention.	
30 July 2015	Mr X and his family were granted Bridging visas and released from detention.

Recent visa applications/case progression

13 March 2014	Mr X and Ms Y were issued with a letter inviting them to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ² DIBP advised they had not responded by 18 May 2015.
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¹ Mr X and Ms Y's third son, Master W, was born in Australia in October 2014 and has been in detention for less than two years. He is not subject to reporting under s 486N.

² 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.

8 May 2015	DIBP advised that, following legislative amendment, the family's application for a Permanent Protection visa lodged in 2012, was now an application for a Temporary Protection visa.
30 July 2015	Granted Bridging visas.

Health and welfare

Mr X

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X for the period 14 November 2014 to 7 May 2015.

Ms Y

IHMS provided details of Ms Y's health and welfare while in detention. No significant ongoing physical health concerns were noted.

6 May 2015	IHMS reported that it was not advised of any further counselling sessions attended by Ms Y for her mental health concerns related to caring for her four sons.
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Master Z

1 April 2015	Attended an appointment with a paediatrician following a referral by his general practitioner for speech and language delay. A referral was made to a speech pathologist as Master Z's speech delays were affecting all areas of his kindergarten learning.
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Master Q

DIBP did not provide an IHMS Health Summary Report for Master Q.

Case status

Mr X and his family have been found to be owed protection under the Refugee Convention and the complementary protection criterion. They are awaiting the assessment of their Temporary Protection visa applications.

Mr X and his family were granted Bridging visas on 30 July 2015 and released from immigration detention.