

## 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 24 months (two years).

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1967

### Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1977	2001

<b>Family members</b>	Miss Q (daughter)	Master R (son)	Miss S (daughter)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	2002	2004	2011

<b>Ombudsman ID</b>	1002974
<b>Date of DIBP's report</b>	21 November 2014
<b>Total days in detention</b>	Not provided

### Detention history

21 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 542 <i>Unimog</i> .
11 March 2015	Granted Bridging 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.	
11 March 2015	Granted Bridging visas.

### Health and welfare

*Mr X, Master Z, Miss Q and Master R*

International Health and Medical Services (IHMS) advised that Mr X, Master Z, Miss Q and Master R did not require treatment for any major physical or mental health issues.
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*Ms Y*

November 2012	<p>During her induction health assessment Ms Y advised that she had previously injured her knee and had not received medical treatment at the time.</p> <p>Ms Y was also diagnosed with type 2 diabetes. Prior to her release from detention she was monitored by her general practitioner (GP).</p>
2 January 2013	<p>Ms Y reinjured her knee and an x-ray was conducted. The scans confirmed a previous ligament injury and she was referred to a hospital orthopaedic clinic.</p>
13 January 2013	<p>Disclosed a history of torture and trauma but declined specialist counselling.</p>
19 August 2013 – 24 July 2014	<p>Attended four appointments with a podiatrist.</p>
September 2014	<p>Reviewed by a hospital orthopaedic clinic and referred for physiotherapy.</p>
12 November 2014	<p>Admitted to hospital for an investigative procedure on her knee.</p>
17 November 2014	<p>Admitted to hospital for a knee replacement. IHMS advised that Ms Y experienced post-surgery complications and received treatment for an infection. She attended a follow-up appointment with her GP on 25 February 2015 who confirmed that her wound had healed.</p>

*Miss S*

28 October 2013	<p>Miss S was transferred to a hospital emergency department by ambulance following a head injury. IHMS advised that she was briefly unconscious after falling three metres off a balcony. Investigative scans and an x-ray identified no abnormalities and she was discharged with advice to follow-up with her GP.</p>
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**Ombudsman assessment/recommendation**

Mr X and his family were granted Bridging visas on 11 March 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 21 November 2012 after arriving in Australia and were held in detention for over two 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.