

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 daughter who remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X (and daughter)
Citizenship	Stateless (claimed)
Year of birth	1970

Family details

Family members	Ms Y (daughter)
Citizenship	Stateless (claimed)
Year of birth	1996

Ombudsman ID	1002655
Date of DIBP's reports	13 October 2014 and 2 June 2015 ¹
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 470 <i>Zeitz</i> .
22 April 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 daughter 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.	
22 April 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 mental health concerns were noted.	
26 October 2012	Mr X was diagnosed with hepatitis B following routine pathology testing. IHMS advised that he is asymptomatic and continued to be monitored by a general practitioner prior to his release from detention.

¹ DIBP's 30 month review on Mr X and his daughter was due in April 2015. DIBP advised that the delay in provision of this review was due to a system failure.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental or physical health concerns were noted.

Ombudsman assessment/recommendation

Mr X and his daughter were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his daughter were detained on 13 October 2012 after arriving in Australia 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 Mr X and his daughter's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and his daughter's protection claims commence as soon as possible.