

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 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1972

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Miss Q (daughter)
Citizenship	Country A	Country A	Country A
Year of birth	1982	2003	2007

Ombudsman ID	1002755
Date of DIBP's report	1 November 2014 and 6 May 2015
Total days in detention	Not provided

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> .
6 May 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 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.	
6 May 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

December 2012	International Health and Medical Services (IHMS) advised that Mr X was identified as a tuberculosis (TB) contact and referred to a specialist clinic. Prior to his release from detention, his condition was monitored by a general practitioner (GP).
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8 December 2012 – 22 January 2015	DIBP Incident Reports recorded that Mr X was transferred to hospital on 12 occasions following chest pain and heart palpitations. He was reviewed at hospital on six occasions for diagnostic testing and prescribed with medication. IHMS reported that Mr X had been non-compliant with his medication.
6 November 2013	Referred for psychological counselling after presenting with symptoms of depression including marital issues and stress.
7 November 2013 – 30 September 2014	Mr X attended 11 psychological counselling sessions and was prescribed with antidepressant medication. Prior to his release from detention, he was monitored by a psychologist and GP.
9 October 2014	Referred to a cardiology clinic following recurring chest pain. Prior to his release from detention, he was monitored by a GP.
IHMS did not provide an IHMS Health Summary Report for Mr X the period 21 November 2014 to 6 May 2015.	

Ms Y

19 February 2013	Ms Y was identified as a TB contact and referred to a specialist clinic. IHMS advised that it could not confirm whether Ms Y attended the appointment and the GP had been contacted to ensure the issue was managed as per state policy.
2 August 2013	Ms Y received ongoing psychological counselling for management of depression, social isolation, stress and marital concerns. IHMS advised that Ms Y had reported a history of domestic violence and expressed thoughts of self-harm on multiple occasions.
8 August 2013	A DIBP Incident Report recorded that Ms Y threatened self-harm during a consultation with her case worker.
DIBP did not provide an IHMS Health Summary Report for Ms Y for the period 20 November 2014 to 6 May 2015.	

Miss Z

IHMS provided details of Miss Z's health and welfare. No significant ongoing mental health concerns were noted.	
19 February 2013	Miss Z was identified as a TB contact and referred to a specialist clinic. Prior to her release from detention, Miss Z was monitored by a GP.
DIBP did not provide an IHMS Health Summary Report for Miss Z for the period 20 November 2014 to 6 May 2015.	

Miss Q

IHMS provided details of Miss Q's health and welfare. No significant ongoing mental health concerns were noted.	
6 November 2012	Miss Q was identified as a TB contact and referred to a specialist clinic. Prior to her release from detention, Miss Q was monitored by her GP and her case worker had been contacted to ensure the issue was managed as per state policy.

18 June 2014	Miss Q was admitted to hospital for surgery to remove her tonsils and adenoids following ongoing sleep issues. She was discharged the same day.
22 June 2014	Miss Q was admitted to a hospital emergency department for treatment after she presented with swelling and pain related to her surgery. IHMS advised that her parents were provided with education and she was discharged the same day.
DIBP did not provide an IHMS Health Summary Report for Miss Q for the period 20 November 2014 to 6 May 2015.	

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 1 November 2012 after arriving in Australia aboard SIEV *Oldsmobile* 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 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.