

## 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 Ms Y who remained in immigration detention for more than 24 months (two years).

<b>Name</b>	Mr X (and wife)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1990

### Family details

<b>Family members</b>	Ms Y (wife)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1993

<b>Ombudsman ID</b>	1002851
<b>Date of DIBP's report</b>	17 November 2014
<b>Total days in detention</b>	Not provided

### Detention history

17 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 538 <i>Qvale</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 Ms Y 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*

22 November 2012	International Health and Medical Services (IHMS) advised Mr X was reviewed by a psychiatrist after he presented with symptoms of delirium related to a seizure.
2 December 2012 and 21 December 2012	IHMS reported that Mr X was admitted to hospital for treatment following ongoing mental health concerns, including suspected hallucinations. During a psychiatric review, Mr X was diagnosed with a delirious mental health condition and prescribed with a short course of antipsychotic medication.

23 January 2013	Disclosed a history of torture and trauma but declined specialist counselling.
21 May 2013	Mr X was identified as a tuberculosis (TB) contact. A computed tomography scan returned normal results and he was monitored as per state policy.
March 2014	Reviewed by a general practitioner (GP) and prescribed with antidepressant medication.
August 2014	During a review with the GP, Mr X presented with disordered thinking and suspected hallucinations. He was referred to a psychiatrist for assessment.
1 September 2014 – 17 September 2014	Mr X attended three appointments with a psychiatrist and was provided with a mental health treatment plan. The psychiatrist noted that Mr X experiences probable psychosis and recommended that he attend regular psychiatric assessments and counselling.  A DIBP Incident Report recorded that Mr X threatened self-harm during a psychiatric review.
19 January 2015	Mr X's psychiatric records stated that he had been diagnosed with severe depression and schizophrenia. He was referred for further counselling and prescribed with medication.

#### *Ms Y*

May 2013	Ms Y gave birth to her son <sup>1</sup> without complication.
21 May 2013	Ms Y was identified as a TB contact. An x-ray returned normal results and she was monitored as per state policy.
6 February 2014	Referred for antenatal care after she reported that she was pregnant.
September 2014	Ms Y gave birth to her daughter <sup>2</sup> without complication.

#### **Ombudsman assessment/recommendation**

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

The Ombudsman notes that Mr X and Ms Y were detained on 17 November 2012 after arriving in Australia aboard SIEV *Qvale* 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 their claims for protection had not commenced.

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

<sup>1</sup> Mr X and Ms Y's son (name not provided) was born in Australia in May 2013. He has been in detention for less than two years and is not subject to reporting under s 486N.

<sup>2</sup> Miss Q was born in Australia in September 2014. She has been in detention for less than two years and is not subject to reporting under s 486N.