

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and his family who remained in immigration detention for more than 30 months (two and a half years).

The first report 1001915¹ was tabled in Parliament on 18 March 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1978

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1981	2008

Ombudsman ID	1002379
Date of DIBP's report	9 April 2015
Total days in detention	Not provided

Detention history

Since the Ombudsman's previous report (1001915), Mr X and his family remained in community detention.	
6 May 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from 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 of the <i>Migration Act 1958</i> .	
6 May 2015	Granted Bridging visas with associated THS visas.

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 464 *Sellwood* and were detained on 29 September 2012.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant mental health concerns were noted.	
4 December 2014	A knee x-ray identified fluid on Mr X's knee joint. He was referred for an ultrasound and a rheumatology review.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant mental health concerns were noted.	
4 December 2014	Referred for physiotherapy following complaints of foot aches and pains related to her osteoarthritis diagnosis. IHMS advised the referral was declined as it was not part of a chronic disease management plan.
4 March 2015	Ms Y was referred to a specialist for gynaecological issues. She was also referred to an orthopaedic specialist to review her ongoing foot and back pain which had not responded to treatment.

Miss Z

IHMS provided details of Miss Z's health and welfare. No significant mental health concerns were noted.	
July 2013	She was provided with hearing aids after being diagnosed with bilateral sensorineural hearing loss.
25 November 2014	The deafness centre paediatrician reported that Miss Z's hearing aids may not be sufficient and referred her for a hearing test with the view to a possible cochlear implant. IHMS advised that art and speech therapy was recommended. Referrals for the hearing test and to a cochlear implant centre were approved in December 2014.

Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 29 September 2012 after arriving in Australia aboard <i>SIEV Sellwood</i> 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.</p> <p>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.</p>
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