

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	1971

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1973	2009	2011

Ombudsman ID	1003331
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 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 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) advised that Mr X was monitored and treated for a range of physical health issues including type 2 diabetes and chronic epigastric pain which required specialist referrals.

Mr X also disclosed a history of torture and trauma and attended specialist counselling. He was diagnosed with depression and prescribed with antidepressant medication.

Ms Y

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

Ms Y was treated for ongoing anxiety, depression and an adjustment disorder. She attended psychological counselling and prescribed with antidepressant medication.

Miss Q and Master Z

IHMS provided details of Miss Q and Master Z's health and welfare. No significant ongoing physical or mental health concerns were noted.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2016 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 29 September 2012 after arriving in Australia aboard SIEV *Sellwood* 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.