

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 24 months (two years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1986

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1984

Family members	Master Z (son)	Master Q (son)
Citizenship	Country A	Country A
Year of birth	2012	2013

Ombudsman ID	1003057
Date of DIBP's report	21 July 2015
Total days in detention	734 (at date of DIBP's report)

Detention history

17 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 794 <i>Oneonta</i> . They were transferred to Phosphate Hill Alternative Place of Detention (APOD), Christmas Island.
25 July 2013	Transferred to Christmas Island Immigration Detention Centre (IDC).
29 July 2013	Transferred to Construction Camp APOD, Christmas Island.
14 August 2013	Transferred to Phosphate Hill APOD.
16 August 2013	Transferred to Wickham Point APOD.
15 November 2013	Transferred to Inverbrackie APOD.
1 July 2014	Transferred to community detention.
2 October 2014	The former Minister intervened under s 197AD to revoke Mr X's community detention placement following an alleged domestic violence incident.
7 October 2014	Mr X was transferred to Maribyrnong IDC. Ms Y and her sons remained in community detention.

12 March 2015	Mr X was transferred to Melbourne Immigration Transit Accommodation.
1 May 2015	Mr X was transferred to community detention and reunited with his family.
2 October 2015	Granted Bridging 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.	
2 October 2015	Granted Bridging visas.

Health and welfare

Mr X

5 November 2013	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and attended specialist counselling.
30 September 2014 – 11 May 2015	He attended three sessions with a psychologist.
22 April 2015	A DIBP Incident Report recorded that Mr X was transferred to hospital by ambulance. No further information was provided.

Ms Y

10 April 2014	IHMS advised that Ms Y accepted a referral for specialist counselling.
15 April 2014	Transferred to a hospital emergency department by ambulance following chest pain and palpitations. Investigative tests identified no abnormalities and she was discharged the same day with advice that the pain was stress-related.
10 October 2014	Referred to a psychologist after presenting to her general practitioner (GP) with symptoms related to post-traumatic stress disorder and situational stressors. She was prescribed with antidepressant medication. She advised she had a history of migraines and was prescribed with medication.
2 December 2014 – 10 February 2015	Attended five sessions with a psychologist.

Master Z

IHMS advised that Master Z did not require treatment for any major physical or mental health issues.	
--	--

Master Q

12 September 2013 – March 2014	Presented to a GP with a persistent cough and was prescribed with medication and provided with a ventilator. A chest x-ray was conducted in January 2014. Ms Y advised that the medication and ventilator were unsuccessful in managing Master Q's condition. The x-ray returned normal results and Ms Y was advised to attend a follow-up appointment if Master Q's condition did not improve.
March 2014	Referred to a hospital for review and management of his cough. No further information was provided.
9 July 2014 – 10 July 2014	Presented to his GP in respiratory distress and with a history of poor sleep, vomiting and irritability. IHMS advised that Master Q was taken to hospital by ambulance. He received treatment for acute asthma and was discharged the following day.
October 2014	Presented to his GP with ongoing symptoms related to an upper respiratory tract infection and was prescribed with antibiotic medication.

Detention incidents

31 August 2014	A DIBP Incident Report recorded that Mr X was allegedly involved in a domestic violence incident and Ms Y contacted the police. On 1 September 2014 Mr X was issued with an Interim Intervention Order by the State B Magistrates Court. On 1 October 2014 Mr X was issued with an Intervention Order after appearing before the State B Magistrates Court. The Intervention Order remained valid until 30 September 2015.
----------------	--

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas on 2 October 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 17 July 2013 after arriving in Australia 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 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.