

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 daughters who remained in immigration detention for more than 24 months (two years).

Name	Mr X (and daughters)
Citizenship	Country A
Year of birth	1975

Family details

Family members	Miss Y (daughter)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1998	2001

Ombudsman ID	1002059
Date of DIBP's report	14 November 2014
Total days in detention	Not provided

Detention history

14 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 534 <i>Mustang</i> .
22 April 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 daughters 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.	
22 April 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

17 February 2013	International Health and Medical Services (IHMS) advised that Mr X attended supportive counselling for management of anxiety symptoms.
19 May 2014	Referred to a psychologist after presenting to a general practitioner (GP) with depressed mood, anxiety, low self-esteem, nightmares and relationship concerns.

3 June 2014	Mr X was reviewed by a psychologist and diagnosed with post-traumatic stress disorder and depression.
29 September 2014	A DIBP Incident Report recorded that Mr X was admitted to a hospital emergency department for mental health support following threats of suicide. No further information was provided.
8 October 2014	Mr X was diagnosed with an adjustment disorder during a review with his GP. He was provided with education and advice to better manage his condition.

Miss Y

15 February 2013	Miss Y was closely monitored by the mental health team (MHT) after she disclosed thoughts of self-harm to her teacher following an alleged assault by her father. She was provided with counselling and regularly assessed.
8 October 2013	Miss Y was found unconscious after she allegedly drank a bottle of head lice medication in a self-harm attempt. She was admitted to a hospital emergency department for treatment and referred for specialist counselling.
6 June 2014	Admitted to hospital for a mental health assessment after threatening self-harm at school. Miss Y reported that her emotional distress was related to a disagreement with her father. She was referred for specialist counselling.
2 October 2014	Miss Y was found unconscious after she allegedly drank a bottle of head lice medication in a self-harm attempt following conflict with her father. IHMS advised that she was transferred to a hospital high dependency unit for treatment. She was subsequently transferred to an adolescent psychiatric unit and placed under observation. IHMS advised that she was discharged from hospital on 24 October 2014 into the care of her father. Prior to her release from detention, Miss Y continued to attend regular psychotherapy and specialist counselling and was regularly reviewed by the MHT while in restricted detention.

Miss Z

IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.
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Ombudsman assessment/recommendation

Mr X and his daughters were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his daughters were detained on 14 November 2012 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.