

**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>	1988

**Family details**

<b>Family members</b>	Ms Y (wife)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1986

<b>Ombudsman ID</b>	1003084
<b>Date of DIBP's report</b>	21 April 2015
<b>Total days in detention</b>	Not provided

**Detention history**

14 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 656 <i>Ealing</i> .
6 May 2016	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 2016	Granted Bridging visas with associated THS visas.

**Health and welfare**

*Mr X*

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X.
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Ms Y

IHMS advised that Ms Y was treated for ongoing physical health problems and had been identified for surgery for gallstones but this had been postponed due to her pregnancy. She was not treated for any ongoing mental health concerns.	
17 March 2015	She returned a positive pregnancy test. IHMS advised her estimated due date was 18 November 2015.

**Ombudsman assessment/recommendation**

<p>Mr X and Ms Y were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.</p> <p>In the absence of any health and welfare information provided by DIBP the Ombudsman is unable to assess the adequacy of health care provided to Mr X while he was in immigration detention.</p> <p>The Ombudsman notes that Mr X and Ms Y were detained on 14 April 2013 after arriving in Australia aboard SIEV <i>Ealing</i> 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.</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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