

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 1001895¹ was tabled in Parliament on 18 March 2016. This report updates the material in that report and should be read in conjunction with the previous report.

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| Name | Mr X (and family) |
| Citizenship | Country A |
| Year of birth | 1977 |

Family details

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| Family members | Ms Y (wife) | Master Z (son) |
| Citizenship | Country A | Country A |
| Year of birth | 1979 | 2005 |

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| Ombudsman ID | 1003240 |
| Date of DIBP's report | 30 March 2015 |
| Total days in detention | Not provided |

Detention history

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| 22 September 2012 | Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 455 <i>Jagara</i> . |
| 6 May 2015 | Granted Bridging visas and released from community detention. |

Visa applications/case progression

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| 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. | |
| 6 May 2016 | Granted Bridging visas. |

Health and welfare

Mr X

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| International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted. Mr X disclosed a history of torture and trauma but declined specialist counselling. |
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¹ Mr X and his family were previously reported on in group report of people who arrived on SIEV *Jagara*.

Ms Y

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| <p>IHMS advised that Ms Y was monitored by a general practitioner for a range of ongoing physical health issues and provided with treatment and specialist referral when required.</p> <p>She was also treated for anxiety and depressed mood and was prescribed with antidepressant medication.</p> | |
| <p>3 December 2014</p> | <p>IHMS reported that at Ms Y's request she saw a gynaecologist to have a pregnancy terminated.</p> |

Master Z

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| <p>IHMS provided details of Master Z's health and welfare. No significant ongoing physical health concerns were noted.</p> | |
| <p>16 November 2012 – 3 December 2014</p> | <p>IHMS advised that Master Z was identified to have a suspected history of torture and trauma. He attended specialist counselling with no further concerns raised.</p> |

Ombudsman assessment/recommendation

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| <p>Mr X and his family were granted Bridging visas on 6 May 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 22 September 2012 after arriving in Australia aboard SIEV <i>Jagara</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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