

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.

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

Family details

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

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

Detention history

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

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

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.
--

¹ Mr X and his family were previously reported on in group report of people who arrived on SIEV *Jagara*.

Ms Y

<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

<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

<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>
--