

## 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 1001915<sup>1</sup> was tabled in Parliament on 18 March 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1978

### Family details

<b>Family members</b>	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	1972	2000	2006

<b>Ombudsman ID</b>	1003332
<b>Date of DIBP's report</b>	9 April 2015
<b>Total days in detention</b>	Not provided

### Detention history

Since the Ombudsman's previous report (1001915), Mr X and his family remained in community detention.	
6 May 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) 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 of the <i>Migration Act 1958</i> .	
6 May 2015	Granted Bridging visas with associated THS visas.

---

<sup>1</sup> Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel (SIEV) 464 *Sellwood* and were detained on 29 September 2012.

## Health and welfare

### *Mr X*

International Health and Medical Services (IHMS) reported that Mr X was treated for type 2 diabetes. No significant ongoing mental health concerns were noted.

### *Ms Y*

IHMS advised that Ms Y was treated for a range of physical health issues including gastric reflux which required specialist review and investigation. She was not treated for any ongoing mental health issues.

### *Miss Z*

IHMS advised that Miss Z required treatment for an ongoing knee injury which required specialist referral and investigation. She was not treated for any ongoing mental health issues.

### *Master Q*

IHMS advised that Master Q required ongoing monitoring for a kidney condition. His parents were educated about his condition and he was referred to a specialist. He was not treated for any ongoing mental health issues.

## **Ombudsman assessment/recommendation**

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 29 September 2012 after arriving in Australia aboard SIEV *Sellwood* 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.

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.