

# 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 1001943<sup>1</sup> was tabled in Parliament on 17 June 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>	1975

## Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1976	2003

<b>Ombudsman ID</b>	1003344
<b>Date of DIBP's report</b>	30 April 2015
<b>Total days in detention</b>	Not provided

## Detention history

17 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard SIEV 485 <i>Opaque</i> .
2 July 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.

## Health and welfare

*Mr X*

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X for the period 31 October 2014 to 30 April 2015.

<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) 485 *Opaque* and were detained on 17 October 2012.

Ms Y

IHMS advised that Ms Y did not require treatment for any mental health concerns.	
2 December 2014	<p>IHMS reported that Ms Y's pregnancy was confirmed with an expected due date of 27 May 2015 and she was referred for antenatal care.</p> <p>IHMS advised that her pregnancy was complicated as she was diagnosed with a low thyroid blood level and gestational diabetes. She was monitored by the general practitioner and provided with treatment as required.</p>

Master Z

DIBP did not provide an IHMS Health Summary Report for Master Z for the period 7 November 2014 to 30 April 2015.	
1 March 2015	A DIBP Incident Report recorded that Master Z was admitted to hospital as he was experiencing chest pain and severe coughing. Hospital staff advised that Master Z possibly had pneumonia. No further information was provided.

**Ombudsman assessment/recommendation**

<p>Mr X and his family were granted Bridging visas on 2 July 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 17 October 2012 after arriving in Australia 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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