

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 his family who remained in immigration detention for more than 24 months (two years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1974

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1971

Family members	Miss Z (daughter)	Miss Q (daughter)
Citizenship	Country A	Country A
Year of birth	2002	2003

Family members	Miss R (niece)	Miss S (niece)
Citizenship	Country A	Country A
Year of birth	2004	2006

Ombudsman ID	1002142
Date of DIBP's report	24 December 2014
Total days in detention	Not provided

Detention history

24 December 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 569 <i>Veritas</i> .
22 April 2015	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 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.	
22 April 2015	Granted Bridging visas with associated THS 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.	
4 January 2013	Disclosed a history of torture and trauma but declined specialist counselling. No further concerns were raised.

Ms Y

January 2013	During her induction health assessment, Ms Y presented with burns, scarring and chronic pain related to a previous injury. She was prescribed with pain relief medication and referred to a hospital burns clinic and plastic surgeon for assessment.
4 January 2013	Ms Y disclosed a history of torture and trauma and attended specialist counselling on 1 August 2013. IHMS advised that she was regularly reviewed by a psychologist and was diagnosed with probable post-traumatic stress disorder (PTSD).
December 2013	Ms Y was admitted to hospital for a surgical procedure to treat her burns injury. IHMS advised that she required post-operative care following complications.
14 March 2014	During a consultation with a general practitioner (GP) Ms Y's post-operative complications were assessed and considered resolved.

Miss Z

IHMS provided details of Miss Z's health and welfare. No significant ongoing physical health concerns were noted.	
6 February 2013	During a review with a psychologist, Miss Z presented with symptoms of trauma including anxiety, reduced appetite and insomnia. She was placed on a psychological treatment plan for support and counselling and monitored by her psychologist.

Miss Q

6 February 2013	Ms Y disclosed that Miss Q had a history of torture and trauma. During a review with a psychologist, Miss Q presented with symptoms of PTSD and was referred for specialist counselling. The psychologist noted that Miss Q was doing her best to cope with the situation.
1 August 2013	Miss Q was reviewed by a specialist counselling team and it was recommended that she attend further counselling, however Miss Q declined to attend.

Miss R

4 January 2013	Ms Y disclosed that Miss R had a history of torture and trauma.
1 August 2013	Miss R was identified as vulnerable and frightened during a review with a specialist counselling service. The counsellor noted that Miss R demonstrated adequate coping strategies but recommended that she attend further counselling. IHMS advised that Miss R did not attend further counselling.

Miss S

4 January 2013	Ms Y disclosed that Miss S experienced anxiety and apprehension related to her history of torture and trauma. IHMS advised that she was referred for specialist counselling.
1 August 2013	Ms Y and Miss S attended a review with a specialist counselling service and it was recommended that Miss S attend regular counselling. IHMS advised that she did not attend further counselling.
28 July 2014	Miss S was assessed by a GP after presenting with symptoms of hearing loss and speech delay. She was referred for a hearing test for further investigation.
29 August 2014	Miss S was diagnosed with an eye disorder after presenting with limited movement in her left eye. She was referred for pathology testing for further investigation.

Other matters

IHMS advised that Miss R and Miss S's parents are deceased.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 24 December 2012 after arriving in Australia 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.

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.