

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 1001852¹ was tabled in Parliament on 25 February 2014. 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	1982

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1981	2005

Ombudsman ID	1002944
Date of DIBP's report	19 March 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001852), Mr X and his family remained in community detention.	
22 April 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention.

Recent 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> .	
22 April 2015	Granted a Bridging visa with an associated THS visa.

Health and welfare

Mr X

10 October 2012	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and was referred for specialist counselling.
-----------------	---

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 420 *Anise* and were detained on 30 August 2012.

8 November 2012	Mr X was diagnosed with chronic post-traumatic stress disorder and depression and attended psychological counselling. IHMS advised that a mental health treatment plan was implemented by his general practitioner (GP).
12 June 2013	Reviewed by a psychiatrist and prescribed with antidepressant medication.
3 October 2014	Mr X disclosed that he had previously been addicted to narcotics and requested medical assistance to control his withdrawal symptoms. He was provided with a controlled reduction plan and prescribed with medication. IHMS advised that Mr X was advised to attend specialist counselling and continued to be monitored by his GP.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing physical health concerns were noted.	
15 January 2014	Ms Y was referred to a psychologist after presenting to a GP with symptoms of stress.
4 February 2014 – 27 May 2014	Attended five psychologist appointments.

Master Z

22 September 2013	<p>During his induction health assessment, Master Z presented with symptoms of developmental delay and intellectual disability. He was assessed by a paediatrician and diagnosed with autism spectrum disorder.</p> <p>Master Z requires ongoing support and continues to be monitored by a team of health professionals including his GP, paediatrician, physiotherapist and state authorities. IHMS advised that his medication is regularly reviewed by his paediatrician and he receives ongoing physiotherapy to improve his motor skills.</p>
29 April 2014	Reviewed by a psychologist. No further information was provided.
17 July 2014	Master Z was enrolled in a specialist school inclusion program for autistic children.
13 November 2014	Master Z was reviewed by his GP following weight management concerns. His parents were provided with nutrition education and the family was referred to a dietician.

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 30 August 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.

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.