

# 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 have remained in immigration detention for more than 24 months (two years).

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1976

## Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)	Master Q (son)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	1980	2003	2005

<b>Ombudsman ID</b>	1002960
<b>Date of DIBP's report</b>	28 April 2015
<b>Total days in detention</b>	Not provided

## Detention history

22 April 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland aboard Suspected Illegal Entry Vessel (SIEV) 657 <i>Fowley</i> .
The Department of Immigration and Border Protection (DIBP) advised that Mr X and his family are currently residing in community detention.	

## Visa applications/case progression

DIBP advised that as Mr X and his family arrived in Australia as 'direct entry persons'<sup>1</sup> they are not barred under s 46A from lodging a Protection visa application.

DIBP further advised that following legislative amendment, Mr X and his family are only eligible for temporary visas.

## Health and welfare

*Mr X*

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X.	
25 August 2013	A DIBP Incident Report recorded that Mr X commenced voluntary starvation as a form of protest. No further information was provided.

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<sup>1</sup> A maritime arrival to Australia's mainland who is seeking protection.

Ms Y

DIBP did not provide an IHMS Health Summary Report for Ms Y.	
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October 2014	DIBP advised that Ms Y gave birth to a son <sup>2</sup> without complication.
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Master Z and Master Q

DIBP did not provide an IHMS Health Summary Report for Master Z and Master Q.	
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**Ombudsman assessment/recommendation**

<p>The Ombudsman notes that Mr X and his family were detained on 22 April 2013 after arriving on the Australian mainland aboard SIEV <i>Fowley</i> and have been held in detention for over two years with no processing of their protection claims.</p>
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<p>The Ombudsman further notes that, at the time of DIBP's review, processing of Mr X and his family's claims for protection had not commenced.</p>
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<p>Given that the X family are not subject to the bar under s 46A, the Ombudsman recommends that the processing of the family's protection claims commence as soon as possible.</p>
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<sup>2</sup> Mr X and Ms Y's third son, Master R was born in Australia in October 2014. He has been in detention for less than two years and is not subject to reporting under s 486N.