

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 Ms Y who remained in immigration detention for more than 24 months (two years).

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1987

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1992

Ombudsman ID	1002970
Date of DIBP's report	25 November 2014
Total days in detention	Not provided

Detention history

25 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 541 <i>Turnpike</i> .
25 March 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 Ms Y 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.	
25 March 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major physical or mental health issues.

Ms Y

20 November 2012	IHMS advised that Ms Y was identified as being in the early stages of pregnancy when she arrived in Australia. She was referred for antenatal care.
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May 2013	Diagnosed with gestational diabetes. She was monitored by a general practitioner and educated on dietary control.
July 2013	Ms Y gave birth to her son ¹ without complication.

Ombudsman assessment/recommendation

Mr X and Ms Y were granted Bridging visas on 25 March 2015 and released from immigration detention.

The Ombudsman notes that Mr X and Ms Y were detained on 25 November 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 Mr X and Ms Y's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and Ms Y's protection claims commence as soon as possible.

¹ Master Z was born in Australia in July 2013 and detained on 12 March 2014. In December 2015 DIBP advised that the time that elapsed between Master Z's birth and the date on which he was detained was due to a delay in developing and finalising new policy guidelines for the detention of babies born to parents in community detention. He has been in detention for less than two years and is not subject to reporting under s 486N.