

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

Name	Ms X
Citizenship	Country A
Year of birth	1997
Ombudsman ID	1003119
Date of DIBP's report	30 April 2015
Total days in detention	Not provided

Detention history

30 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia as an unaccompanied minor aged 15 aboard Suspected Illegal Entry Vessel 668 <i>Ramsgate</i> .
2 July 2015	Granted a Bridging visa with an associated Temporary Humanitarian Stay (THS) visa 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, Ms X was 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(2).	
2 July 2015	Granted a Bridging visa with an associated THS visa.

Health and welfare

12 July 2013	International Health and Medical Services (IHMS) advised that Ms X disclosed a history of torture and trauma and attended specialist counselling.
August 2013	Ms X received grief counselling and was closely monitored following the death of a family member in her home country.
November 2013	IHMS advised that Ms X was referred to her general practitioner (GP) following an incident of self-harm. During the consultation, Ms X disclosed that she had been experiencing flashbacks and nightmares. She was referred to a psychologist for further assessment and treatment.
28 November 2013	Attended an appointment with a psychologist. She was diagnosed with depression and post-traumatic stress disorder and advised to attend further psychological counselling. IHMS advised that additional counselling sessions were approved, however it was unable to confirm whether Ms X attended.

November 2014	Presented to her GP with ongoing symptoms related to rhinitis, including frequent nose bleeds. She was referred to a private ear, nose and throat specialist for further investigation and treatment, however IHMS advised that Ms X required a public referral as per community standards. IHMS had not received a second referral at the time of its report.
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Ombudsman assessment/recommendation

Ms X was granted a Bridging visa with an associated THS visa on 2 July 2015 and released from immigration detention.

The Ombudsman notes that Ms X was detained on 30 April 2013 after arriving in Australia and was held in detention for over two years before being granted a Bridging visa. The Ombudsman further notes that, at the time of DIBP's review of Ms X's case, processing of her claims for protection had not commenced.

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