

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).

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| Name | Mr X (and family) |
| Citizenship | Stateless (claimed) |
| Year of birth | 1984 |

Family details

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|-----------------------|---------------------|---------------------|
| Family members | Ms Y (wife) | Master Z (son) |
| Citizenship | Stateless (claimed) | Stateless (claimed) |
| Year of birth | 1991 | 2012 |

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| Ombudsman ID | 1002653 |
| Date of DIBP's report | 13 October 2014 |
| Total days in detention | Not provided |

Detention history

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| 13 October 2012 | Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 470 <i>Zeitz</i> . |
| 28 January 2015 | Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention. |

Visa applications/case progression

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| 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(2). | |
| 28 January 2015 | Granted Bridging visas with associated THS visas. |

Health and welfare

Mr X

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| 17 November 2012 | International Health and Medical Services (IHMS) advised that Mr X underwent a mental health assessment following an alleged domestic violence incident on 16 November 2012. He advised that he was remorseful and was considered at low risk of committing further acts of domestic violence. He also disclosed a history of torture and trauma but declined specialist counselling. |
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Ms Y

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| 16 November 2012 | Ms Y underwent a mental health assessment following an alleged domestic violence incident. She advised that she did not wish to pursue the matter legally and was provided with education about domestic violence. During this assessment, she disclosed a history of torture and trauma but declined specialist counselling. |
| 21 January 2013 | During a review with the mental health team it was recommended that Ms Y and her husband attend relationship counselling services. IHMS advised that her case worker was contacted to organise this referral and that Ms Y continued to attend regular follow-up appointments. |
| August 2013 | Gave birth to a son. ¹ |

Master Z

IHMS advised that Master Z has not required treatment for any major physical or mental health issues.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 28 January 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 13 October 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.

¹ Mr X and Ms Y's second son, Master Q was born in Australia in August 2013 and has been in detention for less than two years. He is not subject to reporting under s 486N.