

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 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Stateless (claimed)
Year of birth	1979

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Stateless (claimed)	Stateless (claimed)
Year of birth	1989	2013

Ombudsman ID	1002647
Date of DIBP's reports	13 October 2014 and 29 April 2015
Total days in detention	Not provided

Detention history

13 October 2012	Mr X and Ms Y were 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> .
22 January 2013	Miss Z was detained following her birth earlier in January 2013.
6 May 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 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.	
6 May 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

DIBP did not provide an International Health and Medical Services (IHMS) Health Summary Report for Mr X for the period 13 October 2012 to 30 October 2014.	
24 March 2015 – 28 March 2015	Mr X presented to his general practitioner (GP) with a fever, skin irritation and ongoing pain. He was diagnosed with a bacterial infection following pathology testing and admitted to hospital for intravenous antibiotic therapy. IHMS advised that he was discharged on 28 March 2015 with advice to follow up with his GP.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.	
January 2013	Ms Y gave birth to her daughter, Miss Z, without complication.
8 April 2013	Diagnosed with hepatitis C following pathology testing and referred to a hospital liver clinic for assessment.
21 November 2013	Ms Y was reviewed by a gastroenterologist and referred for an endoscopy for further investigation.
13 December 2013	An endoscopy was conducted with no abnormalities identified. IHMS advised that her condition continues to be monitored by her GP.
31 July 2014	Ms Y's pregnancy was confirmed and she was referred to an obstetrician for prenatal care.
March 2015	Ms Y gave birth to her second child ¹ without complication.

Miss Z

IHMS provided details of Miss Z's health and welfare in detention. No significant ongoing mental health concerns were noted.	
(date not provided)	IHMS advised that hepatitis C antibodies were identified during pathology testing. No further information was provided.
19 February 2015	Miss Z was admitted to hospital for a medical procedure to drain an abscess on her lower abdomen. She was prescribed with antibiotics and discharged from hospital the same day.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and Ms Y were detained on 13 October 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.

¹ Mr X and Ms Y's second child (name and gender not provided) was born in Australia in March 2015. The child has been in detention for less than two years and is not subject to reporting under s 486N.