

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O report on Mr X and his family who remained in immigration detention for more than 30 months (two and a half years).

The first report 1001853¹ was tabled in Parliament on 25 February 2015. This report updates the material in that report and should be read in conjunction with the previous report.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1963

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1970

Family members	Ms Z (daughter)	Master Q (son)
Citizenship	Country A	Country A
Year of birth	1996	2004

Ombudsman ID	1003260
Date of DIBP's report	23 March 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001853), Mr X and his family remained in community detention.	
25 March 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent 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.	
25 March 2015	Granted Bridging visas with associated THS visas.

¹ Mr X and his family were previously reported on in a group report of people who arrived on the Suspected Illegal Entry Vessel 431 *Licorice* and were detained on 1 September 2012.

Health and welfare

Mr X

1 September 2012 – 1 April 2015	International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major mental health issues.
30 April 2014 – 1 April 2015	Following ongoing bilateral arm pain, an ultrasound identified a significant spine abnormality. He was referred to a spinal clinic on 23 May 2014. IHMS advised that he remained on a waiting list as per Australian community standards and that since September 2014 Mr X had not presented with any related concerns.

Ms Y

September 2012 – 1 April 2015	Ms Y informed IHMS that she had a history of mouth cancer which had been treated with radiotherapy prior to her arrival in Australia. In January 2013, she was urgently referred to a dentist and an oncology clinic for a biopsy and treatment because of lesions in her mouth and a palpable gland in her neck. She attended consultations with an ear, nose and throat (ENT) specialist and an oral surgeon. She was also referred to a speech pathologist and a head and neck clinic. IHMS advised that she last attended an ENT consultation on 27 January 2015 and no new lesions were detected. An ENT review was scheduled in September 2015.
September 2012 – 25 September 2014	IHMS advised that Ms Y did not require treatment for any mental health concerns.
2 October 2013 – 25 September 2014	Following a spine x-ray and brain computed tomography scan the general practitioner (GP) referred Ms Y to a spinal surgeon for further review of her displaced vertebra. IHMS advised that she remained on a waiting list.
26 September 2014 – 1 April 2015	IHMS advised that prior to 26 September 2014 Ms Y was diagnosed with depression and prescribed with antidepressant medication. Her community GP continued to monitor her condition.

Ms Z

13 August 2013	She attended a psychologist appointment after requesting a referral because of night terrors. The psychologist reported that Ms Z presented with symptoms of post-traumatic stress disorder with a severe level of stress. A further six sessions were recommended.
13 August 2013 – 12 August 2014	Attended 19 psychology appointments.
25 September 2014 – 1 April 2015	IHMS advised that Ms Z did not require further treatment for any mental health concerns.

Master Q

IHMS provided details of Master Q's health and welfare. No significant ongoing physical health concerns were noted.	
12 December 2014 – 24 March 2015	His parents raised concerns with their GP about Master Q's noticeable behavioural changes. The GP referred Master Q to a psychologist who assessed him with oppositional defiance disorder and implemented a treatment plan. IHMS approved eight psychology sessions and at the time of its report he had attended two appointments.

Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 25 March 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 1 September 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 of the family's case, processing of the family's claims for protection had not commenced.</p> <p>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.</p>
