

**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 who remained in immigration detention for more than 24 months (two years) until his voluntary removal from Australia.

This is the first s 486O report on Mr X's two children who have remained in immigration detention for more than 30 months.

<b>Name</b>	Mr X (and children)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1972
<b>Ombudsman ID</b>	1003055
<b>Total days in detention</b>	735 (at date of DIBP's report)

**Family details**

<b>Family members</b>	Miss Y (daughter)	Master Z (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1998	2000
<b>Total days in detention</b>	912 (at date of DIBP's latest report)	

<b>Ombudsman ID</b>	1003055
<b>Date of DIBP's reports</b>	22 July 2015 and 15 January 2016

**Detention history**

17 July 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 794 <i>Oneonta</i> . The family was transferred to an Alternative Place of Detention, Christmas Island.
28 July 2013	Transferred to Melbourne Immigration Transit Accommodation.
15 August 2013	Transferred to community detention.
August 2015	Mr X was released from detention when he voluntarily departed Australia and returned to Country A.  Mr X's children remained in community detention under the care of their uncle, Mr Q.

### Visa applications/case progression

<p>The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Miss Y and Master Z were part of a cohort who had not had their protection claims assessed as they arrived in Australia after 13 August 2012 and were subject to the bar under s 46A.</p>	
<p>29 September 2015</p>	<p>The Minister lifted the bar under s 46A to allow Miss Y and Master Z to lodge a temporary visa application.</p>
<p>17 December 2015</p>	<p>Miss Y and Master Z were notified that they were eligible to receive the Primary Application Information Service (PAIS) to assist them with lodging a temporary visa application and they accepted this offer on 18 December 2015.</p>

### Health and welfare

<p>International Health and Medical Services advised that Mr X's wife died on route to Christmas Island after their boat capsized. Mr X threatened self-harm on several occasions and was provided with treatment and counselling for a range of physical and mental health issues including post-traumatic stress disorder and depression.</p> <p>Miss Y and Master Z were also provided with counselling but did not require treatment for any major physical health issues.</p>
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### Case status

<p>Mr X voluntarily departed Australia in August 2015 and returned to Country A.</p> <p>Mr X's two children, Miss Y and Master Z, were detained on 17 July 2012 after arriving in Australia aboard SIEV <i>Oneonta</i> and have been held in detention for over two and a half years.</p> <p>On 29 September 2015 the Minister lifted the bar under s 46A to allow Miss Y and Master Z to apply for a temporary visa. On 18 December 2015 Miss Y and Master Z accepted the PAIS assistance and were assigned a provider to assist with lodging their application.</p>
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