

# 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 1001839<sup>1</sup> was tabled in Parliament on 11 February 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	7 September 1972

## Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)	Master Q (son)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	1972	1997	2008

<b>Ombudsman ID</b>	1003283
<b>Date of DIBP's report</b>	16 January 2015
<b>Total days in detention</b>	Not provided

## Recent detention history

Since the Ombudsman's previous report (1001839), Mr X and his family remained in community detention.	
9 April 2015	Granted Bridging visas and released from community 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 of the <i>Migration Act 1958</i> .	
9 April 2015	Granted Bridging visas.

## Health and welfare

### Mr X

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any mental health issues.
--

<sup>1</sup> Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 425 *Fennel* and were detained on 27 August 2012.

2 July 2014 – ongoing	<p>An x-ray of Mr X’s lower back identified a fractured spine. He was referred for a bone density scan and prescribed with pain relief medication.</p> <p>On 15 December 2014 Mr X attended an emergency department because of chest pain. It was reported that the chest pain was due to his chronic back issue.</p> <p>On 5 January 2015 he was referred to a physiotherapist.</p>
-----------------------	--

*Ms Y*

IHMS advised that Ms Y did not require treatment for any major physical issues.	
30 January 2014 – ongoing	Ms Y continued to attend specialist counselling prior to her release from detention.

*Master Z and Master Q*

IHMS advised that Master Z and Master Q did not require treatment for any major physical or mental health issues.	
---	--

**Ombudsman assessment/recommendation**

<p>Mr X and his family were granted Bridging visas on 9 April 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 27 August 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.</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>
---