

## 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 Ms X and her children who remained in immigration detention for more than 24 months (two years).

<b>Name</b>	Ms X (and children)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1972

### Family details

<b>Family members</b>	Mr Y (son)	Miss Z (daughter)	Miss Q (daughter)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	1992	1998	2004

<b>Ombudsman ID</b>	1002737
<b>Date of DIBP's report</b>	10 November 2014
<b>Total days in detention</b>	Not provided

### Detention history

4 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 517 <i>Vedette</i> .
25 March 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, Ms X and her children 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).	
25 March 2015	Granted Bridging visas with associated THS visas.

### Health and welfare

*Ms X*

27 November 2012	International Health and Medical Services (IHMS) reported that Ms X disclosed a history of torture and trauma. She was referred for specialist psychological counselling.
14 February 2013	A DIBP Incident Report recorded that Ms X sustained an injury after allegedly being assaulted by another detainee. No further information was provided.

March 2013	<p>The general practitioner (GP) referred her to a psychologist after she presented with symptoms consistent with post-traumatic stress disorder. IHMS advised that there was no record that Ms X attended any counselling sessions.</p> <p>The GP also referred her to an optometrist following visual concerns. IHMS noted that Ms X had sustained an eye injury in a bomb blast prior to her arrival Australia which had resulted in limited vision in her left eye.</p>
26 April 2013	An x-ray and an ultrasound were taken of her shoulder with no abnormalities noted.
31 July 2013	The optometrist reported that she had a visible trauma scar and a cataract in her left eye and it was recommended that she wear single vision glasses when reading. She was referred to an ophthalmologist for further investigation and treatment.
20 September 2013, 18 July 2014 and 8 August 2014	She attended reviews with an ophthalmologist. No further information was provided.

*Mr Y*

IHMS advised that Mr Y did not require treatment for any major physical or mental health issues.

*Miss Z*

18 March 2014	She presented to her GP with breathing difficulties that were not relieved by an inhaler. She also described having palpitations and sweating. The GP reported that she was not depressed and that these symptoms were most likely a panic attack. She was prescribed with medication.
22 May 2014	<p>She was admitted to a hospital emergency department to treat a severe headache. A magnetic resonance imaging scan of her brain returned a normal result. She was provided with pain relief medication and discharged the same day.</p> <p>IHMS advised that her GP had commented that she suffers from tension headaches related to stress.</p>
17 October 2014	A DIBP Incident Report recorded that Miss Z was taken to a hospital emergency department following a medical condition. She was admitted for tests and discharged on 20 October 2014. No further information was provided.

*Miss Q*

IHMS advised that Miss Q did not require treatment for any major physical or mental health issues.

### Detention incidents

19 August 2014	Ms X advised her caseworker that a man was calling her 15-year-old daughter Miss Z, driving her to and from school and sending sexual messages to Miss Z. The matter was reported to the police who contacted the man to advise him to cease his involvement with Miss Z. No further information was provided about this incident.
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### Ombudsman assessment/recommendation

Ms X and her children were granted Bridging visas with associated THS visas on 25 March 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her children were detained on 4 November 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 of Ms X and her children's case, processing of their 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.