

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 have remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1973

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1981	2005

Ombudsman ID	1002839
Date of DIBP's reports	9 July 2015 and 16 December 2015
Total days in detention	912 (at date of DIBP's latest report)

Detention history

17 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 746 <i>Goldville</i> . The family were transferred to an Alternative Place of Detention (APOD), Christmas Island.
21 June 2013	Transferred to Christmas Island Immigration Detention Centre.
8 August 2013	Transferred to Wickham Point APOD.
16 May 2014	Transferred to Bladin APOD.
14 October 2014	Transferred to community detention.

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, 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 were subject to the bar under s 46A.	
12 March 2014	Mr X and his family were issued with a letter inviting them to comment on the unintentional release of personal information through DIBP's website. ¹

¹ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

29 September 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
16 December 2015	DIBP advised that it was considering an assessment against the guidelines under s 195A for the Minister to consider granting the family Bridging visas.

Health and welfare

Mr X

29 June 2013	International Health and Medical Services (IHMS) advised that Mr X presented to his general practitioner (GP) with facial palsy. No abnormalities were identified and the palsy resolved following an ultrasound and a computed tomography (CT) scan.
19 July 2013	Prescribed with anti-inflammatory medication following a diagnosis of gout.
11 August 2013	Presented to his GP with ongoing symptoms of gout. He was prescribed with medication to reduce his uric acid levels and advised about weight loss and diet.
7 January 2015	An x-ray was conducted following complaints of shoulder pain relating to a previous fracture he sustained prior to arriving in Australia. The results showed an old fracture and a piece of wire in his shoulder. He was referred to an orthopaedic specialist for removal of the wire and was advised of waiting times. IHMS advised that no appointment date had been provided at the date of its report.
28 July 2015	Mr X complained of pain and numbness in his left hand with stabbing pain between his fingers. The GP referred him for a CT scan which identified a large disc protrusion on his spine. Mr X attended an appointment with a neurosurgeon and he was prescribed with pain relief medication.
20 August 2015	IHMS advised that Mr X attended a physiotherapist with a follow-up appointment recommended in three months.

Ms Y

1 October 2013	The IHMS GP confirmed a positive pregnancy result. Following an obstetric scan it was identified that Ms Y had an ectopic pregnancy and she requested a termination.
9 October 2013	Ms Y was admitted to hospital and IHMS advised that the termination was completed without complication.
9 May 2014	Diagnosed with a perforated ear drum following symptoms of pain and inflammation. She was advised to keep her ears clean and was prescribed with antibiotics.
26 March 2015	A DIBP Incident Report reported that Ms Y was in pain and was taken to hospital by an ambulance. No further information was provided.
15 May 2015	Referred for an echocardiogram following symptoms of a cardiac murmur. IHMS advised that it had no record to confirm that she had attended the appointment.

14 October 2015	Presented to her GP with a lump to her groin. An ultrasound identified a benign tumour. No intervention was recommended by the GP unless the condition worsened.
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Master Z

IHMS advised that Master Z has not required treatment for any major physical or mental health issues.

Detention incidents

19 February 2015	DIBP advised that Ms Y and her son were relocated to an emergency accommodation property for five days following a domestic violence incident, before returning to the shared community detention residence.
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Case status

<p>Mr X and his family were detained on 17 June 2013 after arriving in Australia aboard SIEV <i>Goldville</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 Mr X and his family to apply for a temporary visa and on 10 November 2015 DIBP invited the family to apply.</p>
