

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 1001862¹ was tabled in Parliament on 18 March 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	1980

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1978	2011

Ombudsman ID	1002351
Date of DIBP's report	27 March 2015
Total days in detention	Not provided

Detention history

16 September 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 448 <i>Cabarita</i> .
9 April 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, 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.	
9 April 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

6 November 2012 – 21 April 2015	International Health and Medical Services (IHMS) advised that Mr X was identified as a tuberculosis (TB) contact and was monitored as per state policy.
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¹ Mr X and his family were previously reported on in a group report of people who arrived on SIEV 448 *Cabarita* and were detained on 16 September 2012.

16 April 2013	Underwent a surgical procedure for a medical condition which had not responded to conservative treatment. He was reviewed on 7 May 2014 and IHMS advised that the issue was considered resolved.
23 June 2014 – 21 April 2015	In June 2014 the general practitioner (GP) referred Mr X to an orthopaedics outpatient clinic for ongoing knee pain. IHMS advised that his condition did not respond to conservative treatment and on 23 January 2015 he was referred to a specialist clinic with an expected waiting time of 12 months.

Ms Y

1 October 2012 – 21 April 2015	Ms Y was identified as a TB contact. She was monitored as per state policy.
7 November 2012 – 21 April 2015	<p>After Ms Y presented to IHMS with depressed mood she attended mental health support sessions and family counselling.</p> <p>In March 2013 after she was transferred to community detention, her GP referred her to a psychologist because of depression and her request for ongoing mental health support.</p> <p>In December 2013 Ms Y was referred to a psychiatrist by a GP for further intervention. In March 2014 IHMS approved five psychiatrist sessions for Ms Y, but advised that documentation indicated she had attended only one session on 28 July 2014.</p> <p>Ms Y continued to be prescribed with antidepressant medication and her mental health was monitored by the GP.</p>

Miss Z

20 May 2013 – 20 April 2015	Miss Z was identified as a TB contact. She was monitored as per state policy.
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Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 9 April 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 16 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, 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>
