

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 remained in immigration detention for more than 24 months (two years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1986

Family details

Family members	Ms Y (wife)	Miss Z (daughter)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1986	2006	2010

Ombudsman ID	1002967
Date of DIBP's report	25 November 2014
Total days in detention	Not provided

Detention history

25 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 544 <i>Wanderer</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, Mr X and his family ¹ 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.	
25 March 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.

¹ Master R was born in Australia in January 2014 and detained on 16 May 2014. He has been in detention for less than two years and is not subject to reporting under s 486N.

16 December 2012 – November 2014	<p>Mr X disclosed a history of torture and trauma and was referred for specialist counselling. The psychiatrist diagnosed him with post-traumatic stress disorder with secondary depression and he was prescribed with antidepressant and antipsychotic medication.</p> <p>In 2013, after reporting thoughts of self-harm, he was placed on Supportive Monitoring and Engagement observations until his safety could be guaranteed (no date provided).</p> <p>Following his transfer to community detention he was referred to a psychologist for ongoing supportive counselling and attended 18 counselling sessions between 26 June 2013 and 23 December 2014.</p> <p>In June 2014 he attempted self-harm by burning himself. He was referred for further psychiatric evaluation and care. On 23 December 2014 his psychologist reported that he continued to display significant trauma-related symptoms and therefore further psychological counselling sessions were recommended. At the time of the IHMS report his treatment was ongoing.</p>
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Ms Y

28 January 2013	Ms Y disclosed a history of torture and trauma and was referred to a psychologist and for specialist counselling. Ms Y did not attend specialist counselling but did attend individual and group therapy sessions with the mental health team when she was in restricted detention. No further issues were reported after 14 March 2013.
27 June 2013	A general practitioner confirmed Ms Y was pregnant with her third child. IHMS reported that Ms Y attended antenatal appointments throughout her pregnancy.
January 2014	Ms Y gave birth to her third child, Master R, without complication.

Miss Z and Master Q

IHMS advised that Miss 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 25 March 2015 and released from immigration detention.</p> <p>The Ombudsman notes that the family were detained on 25 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, 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>
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