

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

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1983

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1983

Ombudsman ID	1002400
Date of DIBP's report	10 April 2015
Total days in detention	Not provided

Detention history

3 April 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 430 <i>Keluak</i> .
22 April 2015	Granted Bridging 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 Ms Y 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.	
22 April 2015	Granted Bridging visas.

Health and welfare

Mr X

2 January 2013	International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and attended psychological counselling.
26 August 2013	Mr X presented with chronic headaches and seizures and was diagnosed with suspected epilepsy. IHMS reported that he had undergone brain surgery prior to his arrival in Australia.
2 September 2013	A brain x-ray identified no abnormalities.
9 September 2013	A magnetic resonance imaging scan identified no abnormalities.

16 January 2015	Mr X was reviewed by a neurologist and prescribed with medication.
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Ms Y

25 September 2013	Disclosed a history of torture and trauma and attended psychological counselling.
August 2014	Ms Y gave birth ¹ without complication.
16 January 2015	Ms Y returned a positive pregnancy test with an estimated delivery date in September 2015. She was referred for prenatal care.

Ombudsman assessment/recommendation

Mr X and Ms Y were granted Bridging visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and Ms Y were detained on 3 April 2013 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 Mr X and Ms Y’s claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and Ms Y’s protection claims commence as soon as possible.

¹ Mr X and Ms Y’s child (name and gender not provided) was born in Australia in August 2014. The child has been in detention for less than two years and is not subject to reporting under s 486N.