

## 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 1001944<sup>1</sup> was tabled in Parliament on 12 August 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1974

### Family details

<b>Family members</b>	Ms Y (wife)	Master Z (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1978	1998

<b>Family members</b>	Miss Q (daughter)	Master R (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	2001	2006

<b>Ombudsman ID</b>	1002590
<b>Date of DIBP's reports</b>	29 April 2015
<b>Total days in detention</b>	Not provided

### Detention history

Since the Ombudsman's previous report (1001944), Mr X and his family remained in community detention.	
6 May 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 of the <i>Migration Act 1958</i> .	
6 May 2015	Granted Bridging visas with associated THS visas.

<sup>1</sup> Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 486 *Paling* and were detained on 18 October 2012.

## Health and welfare

### *Mr X*

18 October 2012 – 4 November 2014	International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.
31 January 2013	Mr X disclosed a history of torture and trauma and attended specialist counselling.
DIBP did not provide an IHMS Health Summary Report for Mr X for the period 5 November 2014 to 6 May 2015.	

### *Ms Y*

18 October 2012 – 31 October 2014	IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.
19 August 2013 – 20 August 2013	Ms Y was admitted to hospital for a surgical procedure following complications related to a medical condition.
16 September 2014	Admitted to hospital for treatment following complications related to a medical condition.
DIBP did not provide an IHMS Health Summary Report for Ms Y for the period 1 November 2014 to 6 May 2015.	

### *Master Z*

18 October 2012 – 3 November 2014	IHMS provided details of Master Z's health and welfare. No significant ongoing physical or mental health concerns were noted.
DIBP did not provide an IHMS Health Summary Report for Master Z for the period 4 November 2015 to 6 May 2015.	

### *Miss Q*

18 October 2012 – 5 November 2014	IHMS provided details of Miss Q's health and welfare. No significant ongoing mental health concerns were noted.
May 2013	Miss Q presented to a general practitioner (GP) with symptoms related to her enlarged tonsils. She was reviewed by an ear, nose and throat specialist and referred for a tonsillectomy.
January 2014	Miss Q was identified as a tuberculosis contact and referred to a specialist chest clinic for further investigation.
18 February 2014	Reviewed at a specialist chest clinic. An x-ray identified no abnormalities and Miss Q was discharged with advice to follow up as required.
30 September 2014 – 1 October 2014	Admitted to hospital for surgery to remove her tonsils. IHMS advised that she was discharged with advice to follow-up with her GP.
DIBP did not provide an IHMS Health Summary Report for Miss Q for the period 6 November 2014 to 6 May 2015.	

*Master R*

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

**Ombudsman assessment/recommendation**

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 18 October 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.

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.