REPORT (ABRIDGED) 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	1965
Ombudsman ID	1003071
Date of DIBP's report	1 April 2015

Detention history

25 March 2013	Mr X, Ms Y and their two adult children were detained under s 189(3) of the *Migration Act 1958* after arriving in Australia aboard Suspected Illegal Entry Vessel 624 *Yuan.*
3 August 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 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.

Health and welfare

International Health and Medical Services advised that Mr X and Ms Y's eldest daughter died when their boat capsized on route to Christmas Island. The family was provided with grief counselling.

The family was also provided with treatment and counselling for a range of physical and mental health issues. Mr X and Ms Y's two children were provided with treatment for myotonic dystrophy, a degenerative neurological disorder resulting in an inability to swallow food.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas on 3 August 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family 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 their 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.