

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 36 months (three years).

The first report 1001672 was tabled in Parliament on 22 October 2014. 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
Date of birth	1982

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Date of birth	1987	2005

Ombudsman ID	1002160
Date of DIBP's reports	27 December 2014 and 7 July 2015
Total days in detention	1,099 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1001672), Mr X and his family remained in community detention.	
2 July 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

10 July 2014	Mr X and his family were issued with a letter inviting them to comment on the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. ¹
16 July 2014	Lodged a request for judicial review by the Full Federal Court (FFC) of the Federal Circuit Court's decision.
28 July 2014 and 15 August 2014	Mr X and his family provided responses concerning the privacy breach and DIBP advised that it was assessing whether they had raised further protection related claims.
1 July 2015	Requested ministerial intervention under s 195A of the <i>Migration Act 1958</i> .

¹ In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

2 July 2015	Granted Bridging visas with associated THS visas.
1 August 2015	FFC hearing was scheduled for this date.

Health and welfare

Mr X

4 December 2014	Referred to a psychologist following symptoms of depression and anxiety. A mental health care plan was formulated and Mr X was approved for six psychology sessions.
29 June 2015	IHMS advised that there was no documentation indicating that Mr X attended any psychology appointments. He had not presented to his general practitioner (GP) with any mental health issues since 4 December 2014.

Ms Y

19 June 2014	Presented to her GP following symptoms of depression and anxiety. Ms Y was referred for specialist counselling on 4 July 2014 and prescribed with medication to ease her symptoms.
11 September 2014	Ms Y advised her community detention support provider that she had thoughts of self-harm due to her immigration situation. There were no further reports of thoughts of self-harm and Ms Y was monitored by her GP.
14 November 2014 and 21 February 2015	Ms Y advised her GP that she had been experiencing shoulder pain for seven months. No abnormalities were found but she was prescribed with medication for pain relief as required.
4 March 2015	Referred to a gynaecologist following abnormal pap smear results.

Miss Z

IHMS advised that Miss Z did not require treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Case status

<p>Mr X and his family have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Mr X and his family were awaiting the outcome of judicial review at the time of the latest report from DIBP.</p> <p>Mr X and his family were granted Bridging visas with associated THS visas on 2 July 2015 and released from immigration detention.</p>
