

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	1969

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1971	2001

Family members	Master P (son)	Miss Q (daughter)
Citizenship	Country A	Country A
Year of birth	2005	2008

Ombudsman ID	1002757
Date of DIBP's report	11 November 2014
Total days in detention	Not provided

Detention history

11 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 531 <i>Jaguar</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 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(2).	
25 March 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X, Master Z, Master P and Miss Q

International Health and Medical Services (IHMS) advised that Mr X, Master Z, Master P and Miss Q did not require treatment for any major physical or mental health issues.

Ms Y

7 April 2014	Ms Y presented to her general practitioner (GP) with of shortness of breath and a chronic cough. She was diagnosed with pertussis following pathology tests. She was prescribed with antibiotics and her condition was monitored by her GP. IHMS advised that the relevant state health department was notified and that no concerns had been reported.
--------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Ombudsman assessment/recommendation

Mr X and his family were granted a Bridging visas with associated THS visas on 25 March 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 11 November 2012 after arriving in Australia and were held in detention for over two years before being granted a Bridging visas. The Ombudsman further notes that, at the time of DIBP's review of the family's case, 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.