

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 Ms X and her son his who remained in immigration detention for more than 24 months (two years).

Name	Ms X (and son)
Citizenship	Country A
Year of birth	1986

Family details

Family members	Master Y (son)
Citizenship	Country A
Year of birth	2004

Ombudsman ID	1002842
Date of DIBP's report	14 November 2014
Total days in detention	Not provided

Detention history

14 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 534 <i>Mustang</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, Ms X and her son 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.	
25 March 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X did not require treatment for any major physical health issues since its previous report to the Ombudsman.	
7 January 2013	IHMS reported that Ms X disclosed a history of torture and trauma and was referred for specialist counselling. IHMS advised on 25 February 2015 that it had no record of whether Ms X attended any counselling appointments but considered the matter resolved as she had not raised any further concerns.

Master Y

19 November 2012 – 25 February 2015	IHMS advised that other than treatment for an ongoing asthma condition, Master Y did not require treatment for any significant physical or mental health issues.
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Ombudsman assessment/recommendation

Ms X and her son were granted Bridging visas with associated THS visas on 25 March 2015 and released from immigration detention.

The Ombudsman notes that Ms X and her son were detained on 14 November 2012 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 Ms X and her son's claims for protection had not commenced.

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