

## 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).

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1982

### Family details

<b>Family members</b>	Ms Y (wife)	Miss Z (daughter)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1984	2001

<b>Family members</b>	Master Q (son)	Master R (son)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	2004	2009

<b>Ombudsman ID</b>	1002972
<b>Date of DIBP's report</b>	21 November 2014
<b>Total days in detention</b>	Not provided

### Detention history

21 November 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 543 <i>Valiant</i> .
9 April 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.	
9 April 2015	Granted Bridging visas with associated THS visas.

## Health and welfare

### Mr X

3 December 2012 – ongoing	International Health and Medical Services (IHMS) advised that tests indicated that Mr X may have been exposed to tuberculosis. He was asymptomatic and attended regular scheduled reviews. He required ongoing monitoring as per state policy.
16 January 2013	He disclosed a history of torture and trauma and presented with anxiety and difficulty sleeping. He was seen by a specialist counsellor in March 2013 who advised that Mr X did not display any symptoms related to post-traumatic stress disorder and he declined further counselling.
4 March 2013 – ongoing	He was identified as a hepatitis B carrier and referred to a liver clinic because of abnormal liver function. His condition was monitored by a general practitioner (GP) and liver specialist.

### Ms Y

2 January 2013	IHMS advised that Ms Y's blood test results revealed a past infection of hepatitis B. However, because she was immune and non-infectious no further review was required.
24 May 2013 – 4 March 2015	She was monitored and treated for multiple physical health conditions, including carpal tunnel syndrome for which the GP recommended a nerve study. IHMS advised that it was not aware if she attended this but she was prescribed with medication.

### Master Q

20 September 2014 – 23 September 2014	Master Q underwent an x-ray following a sporting injury to his forearm. The x-ray results confirmed he had a fracture and his GP referred him to the children's hospital for further treatment. He was seen by the orthopaedic team and was scheduled for further reviews. IHMS advised that it did not have any documentation to confirm if Master Q had attended these appointments.
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### Miss Z and Master R

IHMS advised that Miss Z and 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 9 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 21 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 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.