

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 30 months (two and a half years).

The first report 1001839¹ was tabled in Parliament on 11 February 2015. This report updates the material in that report and should be read in conjunction with the previous report.

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| Name | Mr X (and family) |
| Citizenship | Country A |
| Year of birth | 1977 |

Family details

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| Family members | Ms Y (wife) | Mr Z (son) |
| Citizenship | Country A | Country A |
| Year of birth | 1978 | 1997 |

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|-----------------------|----------------|----------------|
| Family members | Master Q (son) | Master R (son) |
| Citizenship | Country A | Country A |
| Year of birth | 1998 | 2003 |

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| Ombudsman ID | 1003282 |
| Date of DIBP's report | 16 January 2015 |
| Total days in detention | Not provided |

Detention history

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| Since the Ombudsman's previous report (1001839), Mr X and his family remained in community detention. | |
| 9 April 2015 | Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from community detention. |

Visa applications/case progression

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| 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 of the <i>Migration Act 1958</i> . | |
| 9 April 2015 | Granted Bridging visas with associated THS visas. |

¹ Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 425 *Fennel* and were detained on 27 August 2012.

Health and welfare

Mr X

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| 28 August 2012 – 5 January 2015 | <p>International Health and Medical Services (IHMS) reported that on arrival in Australia Mr X advised he had a thyroid condition. The general practitioner (GP) confirmed that Mr X had Graves' disease. Mr X was prescribed with medication and referred to an endocrinologist for possible surgery.</p> <p>On 22 October 2014 he attended a specialist appointment but surgery was not recommended. IHMS advised that his condition had stabilised and he continued to be monitored by his GP prior to his release from detention.</p> |
| 5 September 2012 | Mr X disclosed a history of torture and trauma but declined a referral for specialist counselling. |
| 18 October 2012 | <p>He was identified as a hepatitis B carrier and future treatment options were discussed with the GP. No formal treatment was commenced and he remained asymptomatic. His condition was monitored by the GP.</p> <p>IHMS advised that a mental health assessment was also conducted and the GP noted that he had symptoms of severe anxiety, depression and stress.</p> |
| 23 January 2013 | Mr X declined the GP's referral to a psychologist. No further mental health related symptoms were reported after this date. |
| 19 November 2013 | He underwent surgery for his perforated ear drum. There were no reported complications. |
| 26 May 2014 – 5 January 2015 | He was referred for an appointment to be fitted with a hearing aid. On 28 August 2014 IHMS reported that this appointment remained outstanding and no further information or update was provided in the latest IHMS report dated 5 January 2015. |

Ms Y

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| 10 September 2012 | Ms Y was prescribed with thyroid replacement therapy for management of hyperthyroidism. No further information was provided. |
| 22 September 2012 – 5 January 2015 | Attended an appointment with a psychiatrist who reported that Ms Y was suffering from symptoms of severe post-traumatic stress disorder. She was referred for specialist counselling and in April 2014 she was prescribed with antidepressant medication. She ceased medication prior to 28 August 2014 and her mental health continued to be monitored by the GP. |
| 23 March 2014 – 5 January 2015 | An ultrasound was conducted following abdominal pain. The results revealed cysts and a referral was made to a gynaecologist. IHMS advised it had no documentation to confirm her attendance. |

Mr Z

IHMS provided details of Mr Z's health and welfare while in detention. No significant ongoing physical health concerns were noted.

18 October 2012

Mr Z disclosed a history of torture and trauma during a routine counselling session. He advised that he did not wish to discuss his history but was referred to a young men's counselling group. IHMS advised that he continued to be monitored by the Child and Youth Clinic prior to his release from detention.

Master Q and Master R

IHMS advised that Master Q 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 27 August 2012 after arriving in Australia and were held in detention for over two and a half 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.