

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 1001914¹ was tabled in Parliament on 13 May 2015. 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
Year of birth	1973

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1981	2008

Family members	Miss P (daughter)	Master Q (son)
Citizenship	Country A	Country A
Year of birth	2010	2012

Ombudsman ID	1003323
Date of DIBP's report	8 April 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001914), Mr X and his family remained in community detention.	
22 April 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent 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 of the <i>Migration Act 1958</i> .	
22 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 the Suspected Illegal Entry Vessel (SIEV) 461 *Painter* and were detained on 28 September 2012.

Health and welfare

Mr X

28 September 2012 – 23 April 2015	International Health and Medical Services (IHMS) advised that Mr X was diagnosed with an inherited blood disorder. He underwent a colonoscopy and his condition was monitored by the general practitioner (GP).
20 December 2012 – 19 March 2013	He presented with ongoing feelings of distress related to the events leading up to his arrival in Australia and attended 12 psychology appointments.

Ms Y

28 September 2012 – 3 December 2014	IHMS advised that Ms Y was treated for multiple health concerns including conjunctivitis, migraine, abdominal pains, dermatitis and fainting. She was regularly monitored by the GP and provided with specialist referrals and treatment as required. IHMS further advised that her pregnancy was confirmed in December 2013. She was referred for antenatal care but it had no documentation to confirm birth details. ²
8 February 2013 – 13 March 2013	She attended five psychology appointments.
5 November 2014	Referred for further psychological counselling because of increased stress.
3 December 2014	She presented to the GP with ongoing symptoms and concerns due to a family history of ovarian cancer and was referred to a specialist. An ultrasound identified no abnormalities. The specialist prescribed her with medication and referred her for a second ultrasound.
28 April 2015	IHMS advised that the ultrasound appointment was outstanding and she continued to attend counselling because of ongoing stressors.

Miss Z

IHMS advised that Miss Z did not require treatment for any major mental health issues.	
28 September 2012 – 27 October 2014	IHMS advised that Miss Z was treated for numerous health concerns including asthma-like symptoms, dental caries and a blood disorder. She was regularly monitored by the GP and provided with treatment and specialist referrals as required.
14 November 2014	At a respiratory specialist review it was noted that Miss Z's asthma-like symptoms were more likely to be a respiratory tract infection and she ceased taking asthma medication.

² DIBP advised that Miss R was born in Australia (date of birth not provided) and was in detention for less than two years. She is not subject to reporting under s 486N.

Miss P

IHMS advised that Miss P did not require treatment for any major mental health issues.	
23 December 2014 – ongoing	Her mother raised concerns with the GP about Miss P's health. Blood tests identified no abnormalities and the GP provided a referral to a paediatrician.
23 April 2015	IHMS advised that the paediatrician appointment remained outstanding.

Master Q

IHMS advised that Master Q did not require treatment for any major physical or mental health issues.

Other matters

Mr X and his family arrived in Australia on SIEV *Painter* with his mother-in-law, Ms S, who is subject of Ombudsman report 1003321 and his sister-in-law, Ms T, who is residing in the community on a Bridging visa.

Ombudsman assessment/recommendation

Mr X and his family were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 28 September 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.