

## 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 have remained in immigration detention for more than 36 months (three years).

The first report 1002617 was tabled in Parliament on 14 September 2015. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1962

### Family details

<b>Family members</b>	Ms Y (wife)	Miss Z (daughter)	Master P (son)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	1968	2007	2010

<b>Ombudsman ID</b>	1001444-O
<b>Date of DIBP's reports</b>	3 December 2015 and 2 June 2016
<b>Total days in detention</b>	1094 (at date of DIBP's latest report)

### Detention history

4 June 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 733 <i>Retford</i> . The family was transferred to an Alternative Place of Detention (APOD), Christmas Island.
1 July 2013	Transferred to Inverbrackie APOD.
22 April 2014	Transferred to community detention.

### Recent visa applications/case progression

13 March 2014	The Department of Immigration and Border Protection (DIBP) notified Mr X and his family of the unintentional release of personal information <sup>1</sup> and advised that the privacy breach would be taken into account when considering the family's protection claims.
1 April 2014	The former Minister intervened under s 197AB to allow the family to reside in community detention.

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<sup>1</sup> In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

29 September 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
11 November 2015	DIBP invited the family to lodge a temporary visa application.
13 December 2015	Lodged a Temporary Protection visa (TPV) application.

## Health and welfare

### *Mr X*

International Health and Medical Services (IHMS) advised that Mr X disclosed a history of torture and trauma and presented with symptoms of depression and situational stress. He was referred for psychological counselling.

IHMS further advised that Mr X was referred to an eye and ear hospital on 13 July 2013 and this appointment remained outstanding at the time of its latest report. His condition continued to be monitored by the general practitioner (GP) and he was referred to an ophthalmologist.

### *Ms Y*

IHMS advised that Ms Y presented to the GP with symptoms of anxiety and depression related to her immigration status and social isolation. The GP placed her on a mental health treatment plan and referred her for psychological counselling.

### *Miss Z*

IHMS advised that Miss Z has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

### *Master P*

IHMS advised that Master P received treatment for an ear infection and was referred to an ear, nose and throat specialist on 15 September 2015. IHMS reported that this referral remained outstanding at the time of its latest report.

## Case status

Mr X and his family were detained on 4 June 2013 after arriving in Australia aboard SIEV *Retford* and have been held in detention for over three years.

On 29 September 2015 the Minister lifted the bar under s 46A to allow Mr X and his family to apply for a temporary visa and on 13 December 2015 the family lodged a TPV application.