

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).

Name	Mr X (and family)
Citizenship	Stateless (claimed)
Year of birth	1986

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Stateless (claimed)	Stateless (claimed)
Year of birth	1990	2009

Ombudsman ID	1002885
Date of DIBP's report	2 January 2014
Total days in detention	Not provided

Detention history

2 January 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 570 <i>Wyvern</i> .
22 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.	
22 April 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X and Miss Z

International Health and Medical Services (IHMS) advised that Mr X and Miss Z did not require treatment for any major physical or mental health issues.

Ms Y

20 January 2013	Disclosed a history of torture and trauma and accepted a referral for specialist counselling.
2014 (date not provided)	Ms Y was diagnosed with latent tuberculosis following pathology testing. IHMS advised that she was referred to a specialist clinic for further investigation, however she did not attend her scheduled appointments and was removed from the waiting list.
11 November 2014	Ms Y was provided with a second referral to a specialist clinic, however she did not attend her scheduled appointment. IHMS advised that it was following up on the management of this issue at the time of its report. On the same day, Ms Y declined routine immunisations and was provided with education on the importance of immunisation.

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 2 January 2013 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.