

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 have remained in immigration detention for more than 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1991

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1992	2012

Ombudsman ID	1002569
Date of DIBP's reports	10 June 2015 and 24 November 2015
Total days in detention	912 (at date of DIBP's latest report)

Detention history

26 May 2013	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel (SIEV) 720 <i>Duxford</i> . The family were transferred to an Alternative Place of Detention (APOD), Christmas Island.
19 July 2013	Transferred to Wickham Point APOD.
15 October 2013	Transferred to Melbourne Immigration Transit Accommodation.
27 March 2014	Transferred to community detention. ¹

Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, 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 were subject to the bar under s 46A.	
15 August 2013	Following reassessment of the family's protection claims, they were 'screened in' to the refugee status determination and complementary protection process.

¹ DIBP advised that Ms Y's sister, Miss Q, has resided with the family since 19 December 2014. She is not yet subject to reporting under s 486N.

12 March 2014	Mr X and his family were issued with a letter inviting them to comment on the unintentional release of personal information through DIBP's website. ²
12 August 2014	The Minister declined to intervene under s 197AD to revoke Mr X's community detention placement following a breach of his community detention conditions after he was discovered to be working. DIBP issued him with a warning notice and advised that any further breaches may result in his community detention placement being revoked.
29 September 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
28 October 2015	The family was invited to lodge a temporary visa application.

Health and welfare

Mr X

14 August 2014	International Health and Medical Services (IHMS) advised that Mr X was referred for an ultrasound and x-ray following pain in his shoulders. No abnormalities were identified and he was later referred to an orthopaedic specialist. No referral date was provided.
12 June 2015	Referred to an orthopaedic surgeon for further review.

Ms Y

18 February 2014	Attended an ultrasound following abnormal bleeding. The ultrasound identified polycystic ovarian syndrome (PCOS) and hormonal therapy was recommended. Ms Y declined treatment because she wished to conceive. She was prescribed with iron supplements and advised to return to her general practitioner (GP) if the symptoms continued.
May 2014	Presented to her GP following further bleeding. No abnormalities were identified but Ms Y agreed to try hormone therapy for a few months.
July 2014	Referred to a dietician and exercise physiologist following increased weight, high cholesterol and impaired sugar levels which the GP advised was due to PCOS.
12 June 2015	She was referred to a gynaecologist. She was monitored by her GP and was prescribed with pain relief medication for the symptoms of PCOS.
9 September 2015	Referred to an antenatal clinic following a positive pregnancy test.

² 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.

Miss Z

27 September 2013 – 29 September 2014	IHMS advised that Miss Z had a recurring chest infection following her arrival on Christmas Island. She was prescribed with antibiotic medication and hospitalised on several occasions. IHMS advised that she has not presented with any symptoms of infection since September 2014.
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Case status

Mr X and his family were detained on 26 May 2013 after arriving in Australia aboard SIEV *Duxford* and have been held in detention for over two and a half 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 28 October 2015 DIBP invited Mr X and his family to apply.