

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 1001813¹ was tabled in Parliament on 29 October 2014. 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	1981

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1982	2007

Ombudsman ID	1002899
Date of DIBP's report	16 February 2015
Total days in detention	Not provided

Recent detention history

Since the Ombudsman's previous report (1001813), 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 Suspected Illegal Entry Vessel 413 *Surat* and were detained on 16 August 2012.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing mental health concerns were noted.	
12 October 2012	IHMS advised that part of Mr X's toe was severed after he accidentally trapped his foot in a door. He was admitted to hospital for treatment and monitored by his general practitioner.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.	
September 2014	Ms Y gave birth to her second child ² without complication.

Master Z

IHMS advised that Master Z did not require treatment for any major physical or mental health issues.	
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Ombudsman assessment/recommendation

<p>Mr X and his family were granted Bridging visas with associated THS visas on 22 April 2015 and released from immigration detention.</p> <p>The Ombudsman notes that Mr X and his family were detained on 16 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.</p> <p>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.</p>
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² Mr X and Ms Y's second child (name and gender not provided) was born in Australia in September 2014. The child has been in detention for less than two years and is not subject to reporting under s 486N.