

## 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 Ms X and her family who have remained in immigration detention for more than 30 months (two and a half years).

<b>Name</b>	Ms X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1993

### Family details

<b>Family members</b>	Mr Y (nephew)	Miss Z (niece)	Master Q (nephew)
<b>Citizenship</b>	Country A	Country A	Country A
<b>Year of birth</b>	1997	2002	2007

<b>Ombudsman ID</b>	1002986
<b>Date of DIBP's reports</b>	17 July 2015 and 11 January 2016
<b>Total days in detention</b>	912 (at date of DIBP's latest report)

### Detention history

14 July 2013	Detained under s 189(1) of the <i>Migration Act 1958</i> after arriving on the Australian mainland <sup>1</sup> aboard Suspected Illegal Entry Vessel (SIEV) 788 <i>Fadettes</i> . The family were transferred to Curtin Alternative Place of Detention (APOD).
17 July 2013	Transferred to Wickham Point APOD.
5 February 2014	Transferred to community detention.

### Visa applications/case progression

The Department of Immigration and Border Protection (DIBP) advised that prior to ministerial intervention, Ms X and her 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.	
13 March 2014	Ms X and her family were issued with a letter inviting them to comment on the unintentional release of personal information through the DIBP's website. <sup>2</sup> DIBP advised that the family did not provide a response.

<sup>1</sup> Following legislative amendment on 20 May 2013, all unauthorised maritime arrivals, including those who arrived on the Australian mainland or an 'excised offshore location' were barred from lodging a Protection visa application under s 46A.

<sup>2</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.

17 July 2015	DIBP advised that the family will not be considered for Bridging visas while Miss Z and Master Q are under the age of 18.
13 August 2015	The Minister lifted the bar under s 46A to allow the family to lodge a temporary visa application.
17 August 2015	DIBP invited Ms X and Mr Y to lodge a temporary visa application.
20 August 2015	Miss Z and Master Q were notified that they are eligible to receive the Primary Application Information Service (PAIS) to assist them with lodging a temporary visa application. DIBP advised that the family will apply as a family unit.

## Health and welfare

### *Ms X*

12 September 2013	International Health and Medical Services (IHMS) advised that Ms X was placed on Psychological Support Program observations due to a risk of self-harm and she received support from the mental health team (MHT).
13 May 2014 – December 2014	Referred for counselling following chronic anxiety disorder and depression. She attended counselling sessions with a psychologist and was made aware of the self-referral process.
22 July 2014	Referred for physiotherapy treatment for ongoing back pain. IHMS advised that it had informed Ms X's general practitioner on 23 July 2015 that the referral must be made through the public health system. No updated referral had been provided.

### *Mr Y*

24 August 2013	During his initial health assessment Mr Y was referred for a psychiatric review with the MHT. The psychiatrist recommended that he receive individual support to assist his personal development. It was also noted that he should not be transferred to an offshore processing centre because of a risk to his mental health.
IHMS advised that Mr Y has not required treatment for any major physical or mental health issues for the period 16 July 2015 to 15 December 2015.	

### *Miss Z*

16 May 2014 – October 2014	Referred for counselling following symptoms of anxiety, grief and loss. She attended counselling sessions with a psychologist and was made aware of the self-referral process.
IHMS advised that Miss Z has not required treatment for any major physical or mental health issues for the period 14 July 2015 to 11 December 2015.	

### *Master Q*

IHMS advised that Master Q has not required treatment for any major physical or mental health issues.	
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**Case status**

Ms X and her family were detained on 14 July 2013 after arriving in Australia aboard SIEV *Fadettes* and have been held in detention for over two and a half years.

On 13 August 2015 the Minister lifted the bar under s 46A to allow Ms X and her family to apply for a temporary visa. On 17 August 2015 DIBP invited Ms X and Mr Y to apply.

Miss Z and Master Q are currently awaiting allocation of a PAIS provider to assist them in making a temporary visa application.