

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 30 months (two and a half years).

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1971

Family details

Family members	Ms Y (wife)	Ms Z (daughter)
Citizenship	Country A	Country A
Year of birth	1979	1995

Family members	Master Q (son)	Miss R (daughter)
Citizenship	Country A	Country A
Year of birth	1998	2010

Ombudsman ID	1002627
Date of DIBP's reports	13 October 2014 and 29 April 2015
Total days in detention	Not provided

Detention history

13 October 2012	Detained under s 189(3) of the <i>Migration Act 1958</i> after arriving in Australia aboard Suspected Illegal Entry Vessel 480 <i>Jauncey</i> .
6 May 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.	
6 May 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

International Health and Medical Services (IHMS) provided details of Mr X's health and welfare. No significant ongoing physical health concerns were noted.	
14 November 2012	Mr X presented to the mental health team (MHT) with ongoing relationship issues and requested a referral for psychological and family counselling. IHMS advised that he attended multiple sessions and was advised to self-refer as required.

Ms Y

IHMS provided details of Ms Y's health and welfare. No significant ongoing physical health concerns were noted.	
18 November 2012	Ms Y attended psychological and marital counselling after presenting with ongoing relationship issues. IHMS advised that, following the family's transfer to community detention no further concerns were noted.

Ms Z

4 November 2012	Ms Z attended psychological and family counselling after disclosing a history of self-harm and depression.
18 December 2012	Ms Z presented to a general practitioner with a painful lump. An ultrasound identified a benign tumour. She was referred to a surgeon for further investigation and it was recommended that she undergo a procedure to remove the tumour.
20 August 2013	Admitted to hospital for a surgical procedure. IHMS advised that she was discharged the same day.
28 September 2014 – 7 October 2014	Ms Z was admitted to hospital after she self-harmed by taking an overdose of sleeping medication. She disclosed that she had self-harmed as she was unable to study in Australia. She was subsequently admitted to a psychiatric ward and diagnosed with an adjustment disorder with depressed mood. She was discharged with advice to follow up with the MHT.
18 May 2015	IHMS advised that no further mental health concerns were noted and she had not presented to the MHT.

Master Q

IHMS provided details of Master Q's health and welfare. No significant ongoing physical health concerns were noted.	
18 November 2012	Master Q attended family counselling after concerns were raised by Mr X regarding communication, conflict and lack of honesty within the family. IHMS advised that following the family's transfer to community detention no further concerns were noted.

Miss R

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

Mr X and his family were granted Bridging visas with associated THS visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and his family were detained on 13 October 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.

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.