

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

Name	Mr X (and wife)
Citizenship	Country A
Year of birth	1983

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1987

Ombudsman ID	1002632
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 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 Ms Y 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.

Health and welfare

Mr X

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

April 2013	Ms Y gave birth to her daughter ¹ without complication.
29 May 2013	Ms Y presented with symptoms of post-natal depression and was referred for specialist counselling. IHMS advised that it could not confirm whether Ms Y attended this referral.

Detention incidents

7 May 2014	A DIBP Incident Report recorded that Mr X allegedly assaulted Ms Y. DIBP advised that their case workers were notified and Mr X was transferred to alternative accommodation. No further information was provided.
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Ombudsman assessment/recommendation

Mr X and Ms Y were granted Bridging visas on 6 May 2015 and released from immigration detention.

The Ombudsman notes that Mr X and Ms Y 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 Mr X and Ms Y's claims for protection had not commenced.

The Ombudsman recommends that the Minister lift the bar under s 46A and processing of Mr X and Ms Y's protection claims commence as soon as possible.

¹ Miss Z was born in Australia in April 2013. She has been in detention for less than two years and is not subject to reporting under s 486N.