

## 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 1001823<sup>1</sup> was tabled in Parliament on 3 December 2014. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and family)
<b>Citizenship</b>	Stateless (claimed)
<b>Year of birth</b>	1989

### Family details

<b>Family members</b>	Ms Y (wife)	Miss Z (daughter)	Miss Q <sup>2</sup> (daughter)
<b>Citizenship</b>	Stateless (claimed)	Stateless (claimed)	Stateless (claimed), born in Australia
<b>Year of birth</b>	1989	2010	2012

<b>Ombudsman ID</b>	1003015
<b>Date of DIBP's report</b>	17 February 2015
<b>Total days in detention</b>	Not provided

### Recent detention history

Since the Ombudsman's previous report (1001823), 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.

<sup>1</sup> Mr X and his family were previously reported on in a group report of people who arrived on Suspected Illegal Entry Vessel 412 *Ropeley* and were detained on 17 August 2012.

<sup>2</sup> Miss Q was detained on 24 September 2012.

## Health and welfare

### *Mr X*

27 August 2012	International Health and Medical Services (IHMS) advised that following routine pathology testing, Mr X was diagnosed with a previous hepatitis B infection. He was identified as immune and non-infectious.
28 August 2012	Disclosed a history of torture and trauma but declined specialist counselling. He was advised to self-refer to the mental health team as required.

### *Ms Y*

IHMS provided details of Ms Y's health and welfare. No significant ongoing mental health concerns were noted.	
September 2012	Ms Y gave birth to her daughter, Miss Q, without complication.

### *Miss Z*

IHMS advised that Miss Z did not require treatment for any major physical or mental health issues.	
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### *Miss Q*

DIBP did not provide an IHMS Health Summary Report for Miss Q.	
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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 17 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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