

**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 have remained in immigration detention for a cumulative period of more than 36 months (three years).

Mr X and his family were previously subject to separate s 486O reports. Mr X's first report 1002350-O was tabled in Parliament on 10 November 2016 and Ms Y and her sons first report 1002428-O was tabled in Parliament on 24 May 2017. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1968
Total days in detention	1094 (at date of DIBP's latest report)

Family details

Family members	Ms Y (wife)
Citizenship	Country A
Year of birth	1972
Total days in detention	1015 (at date of DIBP's latest report)

Family members	Mr Z (son)	Mr P (son)	Master Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1991	1997	2001
Total days in detention	1015 (at date of DIBP's latest report)		

Ombudsman ID	1002350-O1
Date of DIBP's reports	23 September 2016 and 24 March 2017

Recent detention history

Since the Ombudsman's previous reports (1002350-O and 1002428-O), Mr X and his family have remained in community detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) has advised that under current policy settings Mr X and his family are not eligible to have their protection claims assessed in Australia and remain liable for transfer back to a Regional Processing Centre (RPC) on completion of their treatment.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X was identified as a tuberculosis (TB) contact and monitored as per state policy. He attended a specialist review on 22 September 2016 and no abnormalities were identified.

IHMS further advised that he continued to receive treatment for multiple physical health conditions, including a chronic eye infection, haemorrhoids, a previous bone fracture and nerve abnormalities. He remained on a waiting list for a surgical procedure to manage his nerve condition and was awaiting an appointment at a colorectal clinic.

Ms Y

IHMS advised that Ms Y continued to be monitored for TB as per state policy and received treatment for multiple physical health concerns, including a tongue lesion, kidney abnormalities, chronic back pain and gynaecological issues. Ms Y was placed on a waiting list for a surgical procedure to manage her tongue condition and was awaiting an appointment at a gynaecology clinic.

Mr Z

IHMS advised that Mr Z was identified as a TB contact and attended a specialist review with no abnormalities identified. He continued to receive treatment for chronic respiratory symptoms and was awaiting an appointment at a respiratory clinic.

Mr P and Master Q

IHMS advised that Mr P and Master Q were identified as TB contacts and attended specialist reviews with no abnormalities identified.

Other matters

14 September 2016	The department was notified by the Australian Human Rights Commission that Mr X's complaint had been closed.
-------------------	--

Ombudsman assessment/recommendation

Mr X and his family were detained on 13 August 2013 after arriving in Australia by sea and have been held in detention for a cumulative period of more than three years with no processing of their protection claims.

Mr X and his family were transferred to an RPC and returned to Australia for medical treatment. The department advised that because the family arrived after 19 July 2013 they remain liable for transfer back to an RPC on completion of their treatment.

The Ombudsman notes with concern the Government's duty of care to detainees and the serious risk to mental and physical health prolonged and apparently indefinite detention may pose.

The Ombudsman notes that under current policy settings Mr X and his family are not eligible to have their protection claims assessed in Australia and that without an assessment of the family's claims it appears likely they will remain in detention indefinitely.

The Ombudsman again recommends that priority is given to resolving Mr X and his family's immigration status.