

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the third s 486O assessment on Mr X and his daughter who have remained in immigration detention for more than 54 months (four and a half years).

The first assessment 1002318 was tabled in Parliament on 10 February 2016 and the second assessment 1001267-O was tabled in Parliament on 23 November 2016. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and daughter)
Citizenship	Country A
Year of birth	1975
Total days in detention	1,640 (at date of DIBP's latest review)

Family details

Family members	Miss Y (daughter)
Citizenship	Country A
Year of birth	2001
Total days in detention	1,518 (at date of DIBP's latest review)

Ombudsman ID	1001267-O1
Date of DIBP's reviews	26 October 2016 and 26 April 2017

Recent detention history

Since the Ombudsman's previous assessment (1001267-O), Mr X and his daughter have remained in community detention.
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Recent visa applications/case progression

7 July 2016	The Federal Circuit Court (FCC) dismissed Mr X and his daughter's applications for judicial review of the decision to refuse their joint Protection visa application.
10 August 2016 and 28 July 2016	Mr X and his daughter applied to the Federal Court (FC) for judicial review of the FCC's decision. On 2 November 2016 they withdrew their applications for judicial review by the FC.
26 April 2017	The Department of Immigration and Border Protection (the department) advised that as Mr X and his daughter have no matters before the department, the courts or tribunals, they are on a removal pathway. The department advised that it was seeking assistance from the Embassy of Country A to obtain emergency travel documents for Mr X and his daughter.

Health and welfare*Mr X*

International Health and Medical Services (IHMS) advised that Mr X continued to receive treatment for a back condition.

Miss Y

IHMS advised that Miss Y did not receive treatment for any major physical or mental health issues during this assessment period.

Case status

Mr X and his daughter have been found not to be owed protection under the Refugee Convention and the complementary protection criterion and have been held in detention for more than four and a half years. They have no matters before the department, the courts or tribunals and are on a removal pathway.