

# 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 more than 36 months (three years).

The first report 1001771 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>	Country A
<b>Year of birth</b>	1981

## Family details

<b>Family members</b>	Ms Y (wife)	Miss Z (daughter)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	1989	2008

<b>Ombudsman ID</b>	1002283
<b>Date of DIBP's reports</b>	4 March 2015 <sup>1</sup> and 28 July 2015
<b>Total days in detention</b>	1,091 (at date of DIBP's latest report)

## Recent detention history

Since the Ombudsman's previous report (1001771), Mr X and his family<sup>2</sup> have remained in community detention.

## Recent visa applications/case progression

28 July 2015	The Department of Immigration and Border Protection (DIBP) advised that Mr X and his family have no matters before DIBP, the courts or tribunals and are on a removal pathway. The family have been provided with information from the International Organization for Migration in relation to voluntarily returning to Country A.
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## Health and welfare

*Mr X*

10 October 2014	International Health and Medical Services (IHMS) reported that Mr X received a cortisone injection in his elbow following ongoing pain resulting from a fall in 2013.
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<sup>1</sup> DIBP's 30 month review on Mr X and his family was due in February 2015. DIBP advised that the delay in provision of this review was due to a system failure.

<sup>2</sup> Mr X and Ms Y's second daughter, Miss Q was born in Australia in May 2014. She has been in detention for less than two years and is not yet subject to reporting under s 486N.

11 September 2014 and 5 December 2014	He was referred for orthopaedic reviews. However, IHMS advised that it was unclear if he had attended the appointments. He was monitored by his general practitioner (GP) and prescribed with pain relief medication as required.
11 February 2015	He was provided with advice on how to cease smoking.
23 July 2015	Referred for surgery following multiple GP appointments in relation to ongoing elbow pain. Surgery was scheduled for September 2015.

*Ms Y*

9 August 2014	Referred to a psychologist following symptoms of post-natal depression raised during counselling sessions with her GP.
23 October 2014	The psychologist diagnosed her symptoms as extremely severe. Ms Y reported memory loss and concerns in relation to the uncertainty surrounding her immigration pathway and the length of time she had been living in community detention. The psychologist advised that the lack of control had resulted in fear and hopelessness and it was recommended that Ms Y attend a further six to eight sessions. The psychologist further noted that a full recovery would be unlikely while she remained in community detention and that she had declined prescribed medication.
30 November 2014	IHMS approved a further four psychologist sessions.

*Miss Z*

30 December 2014	IHMS advised that Miss Z has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.
DIBP did not provide an IHMS Health Summary Report for Miss Z for the period 31 December 2014 to 24 July 2015.	

**Information provided by Mr X**

The Ombudsman's office tried to contact Mr X on several occasions to discuss his community detention circumstances but was unsuccessful.

**Case status**

Mr X and his family have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. They have no matters before DIBP, the courts or tribunals and are on a removal pathway.