

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O assessment on Mr X and Ms Y and their daughters¹ who remained in immigration detention for more than 60 months (five years). The previous assessment 1001080-O was tabled in Parliament on 1 March 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and family)	Ms Y (wife)
Citizenship	Country A	Country A
Total days in detention	1,822 (at date of DIBP's latest report)	

Family details

Family members	Miss Z (daughter)	Miss Q (daughter)
Citizenship	Country A	Country A, born in Australia
Year of birth	2008	2014
Total days in detention	1,822 (at date of DIBP's latest report)	1,030 (at date of DIBP's latest report)

Ombudsman ID	1001080-O1
Date of DIBP's reports	27 January 2017 and 29 July 2017

Recent detention history

The family continued to be placed in the community. ²	
31 October 2017	Granted Final Departure Bridging visas and released from immigration detention.

Recent visa applications/case progression

The Department of Immigration and Border Protection (the department) advised that the family was found not to be owed protection under the Refugee Convention and complementary protection criterion. They have no outstanding matters before the department, courts or tribunals and remain on a removal pathway.	
31 October 2017	Granted Final Departure Bridging visas.

¹ This is the second s 486O assessment on Miss Q, who was previously reported on in Ombudsman assessment 1002514-O. For the purpose of reporting under s 486O, her timeline in detention has been aligned with her family.

² The family was granted a placement in the community under s 197AB and remained in immigration detention.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X was provided with treatment for multiple physical health concerns, including ongoing elbow pain, high cholesterol and hypertension. In January 2016 he was reviewed by an orthopaedic specialist and subsequently underwent acupuncture for management of his elbow pain. His condition continued to be monitored by a general practitioner and he was awaiting further orthopaedic review.

Ms Y

IHMS advised that Ms Y continued to attend psychological counselling for the management of depression and concerns about her family's immigration pathway.

Miss Z

IHMS advised that Miss Z was provided with treatment for a fractured elbow in November 2016.

Miss Q

IHMS advised that Miss Q did not require treatment for any major physical or mental health concerns during this assessment period.

Ombudsman assessment/recommendation

The family was detained on 1 August 2012 after arriving in Australia by sea and have remained in immigration detention, both in a detention facility and the community, for more than five years. The family have no outstanding matters before the department, courts or tribunals and are on a removal pathway.

The family was granted Final Departure Bridging visas on 31 October 2017 and released from immigration detention.

The Ombudsman notes with concern that Mr X and Ms Y have three young daughters and Ms Y continued to attend psychological counselling for depression and concerns about her family's immigration pathway.

In light of these concerns, the Ombudsman recommends that the department explore options to provide Mr X and Ms Y with access to support services to assist them in caring for their children while they remain in the community on Final Departure Bridging visas.