

## REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

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

The first report 1580/13 was tabled in Parliament on 4 December 2013 and the second report 1001411 was tabled in Parliament on 1 October 2014. This report updates the material in those reports and should be read in conjunction with the previous reports.

<b>Name</b>	Mr X
<b>Citizenship</b>	Country A <sup>1</sup>
<b>Year of birth</b>	1974

### Family details

<b>Family members</b>	Master Y (son)	Miss Z (daughter)
<b>Citizenship</b>	Country B, born in Country A	Country A
<b>Year of birth</b>	2003	2006

<b>Ombudsman ID</b>	1002180
<b>Date of DIBP's reports</b>	8 July 2014, 19 January 2015 and 13 July 2015
<b>Total days in detention</b>	1,645 (at date of DIBP's latest report)

### Recent detention history

Since the Ombudsman's previous report (1001411), Mr X and his children have remained in community detention.

### Recent visa applications/case progression

2 September 2014	Mr X was issued with a letter notifying him of the commencement of an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of his case engage Australia's <i>non-refoulement</i> obligations.  Mr X was also invited to provide any additional protection claims as a result of the unintentional release of personal information through the Department of Immigration and Border Protection's (DIBP) website. <sup>2</sup>
24 September 2014	Mr X provided a response in relation to the ITOA.

<sup>1</sup> DIBP amended Mr X's citizenship from Country B to Country A in its report dated 19 January 2015.

<sup>2</sup> In a media release dated 19 February 2014 the former Minister advised that an immigration detention statistics report was released on DIBP's website on 11 February 2014 which inadvertently disclosed detainees' personal information. The documents were removed from the website as soon as DIBP became aware of the breach from the media. The Minister acknowledged this was a serious breach of privacy by DIBP.

19 January 2015	DIBP determined that Mr X did not meet the Immigration Advice and Application Assistance Scheme requirements but he was granted a further extension of time until the end of January 2015 to respond to the ITOA.
27 February 2015 and 3 March 2015	Attended interviews in relation to the ITOA.

### Health and welfare

#### *Mr X*

18 November 2014	International Health and Medical Services (IHMS) advised that Mr X was referred for counselling but IHMS had no record that he had attended any counselling sessions.
10 December 2014	Mr X presented at a hospital following a fall on his right hand. An x-ray identified two fractures and he was referred to a specialist for review.
17 December 2014	A specialist noted that Mr X required possible hand corrective surgery. IHMS advised that hand surgery was scheduled for 24 December 2014 but as he had missed several follow-up appointments with the hospital IHMS could not confirm whether he had undergone surgery.

#### *Master Y*

31 October 2014	Mr X requested a referral to a child psychologist following concerns about Master Y's behaviour.
February 2015	The general practitioner contacted Master Y's school and the family's case worker to discuss behavioural concerns. The school counsellor advised that Master Y had reported that he had experienced bullying at school. IHMS advised that there had been no further concerns in relation to bullying raised by Master Y or his father during this reporting period.

#### *Miss Z*

IHMS advised that Miss Z has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.
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### Case status

Mr X and his children have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. Their protection claims are being reassessed under an ITOA.
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