

## 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 daughter who have remained in immigration detention for more than 42 months (three and a half years).

The first report 1002318 was tabled in Parliament on 10 February 2016. This report updates the material in that report and should be read in conjunction with the previous report.

<b>Name</b>	Mr X (and daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1975
<b>Total days in detention</b>	1283 <sup>1</sup> (at date of DIBP's latest report)

### Family details

<b>Family members</b>	Miss Y (daughter)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	2001
<b>Total days in detention</b>	1160 (at date of DIBP's latest report)

<b>Ombudsman ID</b>	1001267-O
<b>Date of DIBP's reports</b>	4 November 2015 and 3 May 2016

### Recent detention history

Since the Ombudsman's previous report (1002318), Mr X and his daughter have remained in community detention.

### Recent visa applications/case progression

19 May 2015	Mr X requested judicial review by the Federal Circuit Court (FCC) of the decision to refuse his joint Protection visa application.
15 December 2015	Miss Y requested judicial review by the FCC of the decision to refuse her joint Protection visa application.
26 April 2016	FCC adjourned and reserved its judgment for both Mr X and Miss Y.

### Health and welfare

#### *Mr X*

International Health and Medical Services (IHMS) advised that Mr X has required treatment and ongoing monitoring for a back condition involving degenerative nerve pain. A general practitioner prescribed him with pain medication and no further complications have been reported.

<sup>1</sup> The Department of Immigration and Border Protection (DIBP) advised that the date of Mr X's voluntary removal from Australia was incorrectly recorded in all previous reports to the Ombudsman's office.

*Miss Y*

IHMS advised that Miss Y has not required treatment for any major physical or mental health issues.

**Case status**

Mr X and his daughter have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. At the time of DIBP's latest review Mr X and his daughter were awaiting the outcome of judicial review.