

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Ms X and her daughter Ms Y who have remained in immigration detention for a cumulative period of more than three and a half years. The previous assessment 1002465-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

Name	Ms X (and daughter)
Citizenship	Country A
Year of birth	1956

Family details

Family members	Ms Y (daughter)
Citizenship	Country A
Year of birth	1982

Ombudsman ID	1002465-O1
Date of department's reports	1 August 2017 and 30 January 2018
Total days in detention	1,276 (at date of department's latest report)

Recent detention history

Since the Ombudsman's previous assessment, Ms X and Ms Y have continued to be placed in the community.¹

Recent visa applications/case progression

The Department of Home Affairs (the department) has advised that under current policy settings Ms X and Ms Y are not eligible to have their protection claims assessed in Australia and remain liable for transfer back to a Regional Processing Centre (RPC) on completion of their treatment.

1 August 2017 and 30 January 2018	The department advised that it is supporting the government of Nauru to finalise the Refugee Status Determination of Ms X and Ms Y while they remain temporarily in Australia for medical treatment.
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¹ Ms X and Ms Y were granted a placement in the community under s 197AB of the *Migration Act 1958* and remain in immigration detention.

Health and welfare

Ms X

International Health and Medical Services (IHMS) advised that Ms X was reviewed by a psychiatrist in on three occasions in 2017 and was prescribed with antidepressant medication for the management of an adjustment disorder with depressed mood. The psychiatrist noted that Ms X's depressed mood was related to the helplessness and uncertainty of her immigration situation.

IHMS further advised that Ms X received treatment for physical health concerns and attended physiotherapy.

Ms Y

IHMS advised that Ms Y was reviewed by a general practitioner in January 2017, noting significant improvement in her mental health.

IHMS further advised that Ms Y was monitored for multiple physical health concerns. She continued to await a specialist appointment at the time of IHMS's latest report.

Ombudsman assessment

Ms X and Ms Y were detained in July 2013 after arriving in Australia by sea and have remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than three and a half years.

Ms X and Ms Y were transferred to an RPC and returned to Australia for medical treatment. The department advised that because they arrived after 19 July 2013 they remain liable for transfer back to an RPC on completion of their treatment.

The Ombudsman's previous assessment recommended that priority be given to resolving Ms X and Ms Y's immigration status while noting their significant mental health concerns.

On 13 September 2017 the Minister advised that the department is supporting the Government of Nauru to finalise the refugee status determination of Ms X and Ms Y while they remain temporarily in Australia.

Ms X and Ms Y's return to an RPC is likely to be protracted due to their ongoing mental and physical health concerns.

IHMS has advised Ms X continued to be prescribed with antidepressant medication for the management of an adjustment disorder with depressed mood that is associated with the uncertainty of her immigration status. Additionally, Ms Y continued to await a specialist appointment at the time of IHMS's report.

It appears likely that Ms X and Ms Y will remain in detention for a prolonged and uncertain period while they receive medical treatment, posing a serious risk to their mental and physical health.