

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X and his family who have remained in immigration detention for more than 72 months (six years).

The first report 1406/13 was tabled in Parliament on 13 November 2013, the second report 1001323 was tabled in Parliament on 22 October 2014 and the third report 1002013 was tabled in Parliament on 17 June 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1974

Family details

Family members	Ms Y (wife)	Miss Z (daughter)
Citizenship	Country A	Country A
Year of birth	1982	2008

Ombudsman ID	1002503
Date of DIBP's reports	15 May 2015, 10 November 2015 and 4 May 2016
Total days in detention	2186 (at date of DIBP's latest report)

Recent detention history

Since the Ombudsman's previous report (1002013), Mr X and his family¹ have remained in community detention.

Recent visa applications/case progression

15 May 2015	The Department of Immigration and Border Protection (DIBP) advised that the family's case is affected by the Full Federal Court's (FFC) decision of 20 March 2013 ² and they would have their complementary protection claims reassessed as part of a new International Treaties Obligations Assessment (ITOA).
28 May 2015	Mr X attended an interview in relation to the ITOA.
12 June 2015	Ms Y attended an interview in relation to the ITOA.

¹ Miss Q was born in Australia in March 2015 and detained on 4 May 2015. She has been in detention for less than two years and is not subject to reporting under s 486N.

² *Minister for Immigration and Citizenship v SZQRB* [2013] FCAFC 33.

10 November 2015	DIBP advised that the family's case is affected by the judgment handed down on 2 September 2015 by the FFC ³ which found that the ITOA process was procedurally unfair.
21 March 2016	The Minister filed a notice in the High Court (HC) to appeal the FFC's decision.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X has not required treatment for any major physical or mental health issues since its previous report to the Ombudsman.

Ms Y

IHMS advised that Ms Y continued to attend counselling for anxiety and depression.

March 2015	Ms Y gave birth to her daughter Miss Q.
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Miss Z

IHMS advised that Miss Z has been treated for ongoing health issues related to her feet requiring specialist review.

Case status

Mr X and his family have been found not to be owed protection under the Refugee Convention and the complementary protection criterion.

The family's case is affected by the FFC's judgment of 2 September 2015, which found that the ITOA process undertaken by DIBP was procedurally unfair. On 21 March 2016 the Minister filed a notice in the HC to appeal the FFC's decision.

³ *SZSSJ v Minister for Immigration and Border Protection* [2015] FCAFC 125.