

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

The first report 1001370 was tabled in Parliament on 28 May 2014 and the second report 1001603 was tabled in Parliament on 13 May 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and sons)
Citizenship	Country A
Year of birth	1961

Family details

Family members	Mr Y (son)	Mr Z (son)	Mr Q (son)
Citizenship	Country A	Country A	Country A
Year of birth	1985	1994	1996

Ombudsman ID	1002674
Date of DIBP's report	15 June 2015
Total days in detention	1287 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001603), Mr X and his sons have remained in community detention.	
21 April 2015	Mr Y's community detention placement was revoked under s 197AD of the <i>Migration Act 1958</i> following driving offences and he was transferred to Yongah Hill Immigration Detention Centre.
August 2015	Mr X was released from detention when he was removed from Australia. ¹

Recent visa applications/case progression

12 January 2015	The Department of Immigration and Border Protection (DIBP) commenced an International Treaties Obligations Assessment (ITOA) to assess whether the circumstances of Mr X and his sons' case engage Australia's <i>non-refoulement</i> obligations.
7 – 8 April 2015	DIBP finalised the ITOA, determining that Mr X and his sons' case did not engage Australia's <i>non-refoulement</i> obligations. DIBP advised that as the family have no matters before DIBP, the courts or tribunals they were referred for removal action.

¹ DIBP did not advise if this removal was voluntary or involuntary.

Other legal matters

15 February 2015	Mr Y was charged with driving under the influence of alcohol and being in the possession of cannabis. He was disqualified from driving for three months, received a fine and directed to attend a cannabis intervention session. DIBP advised that his community detention placement was subsequently revoked on 21 April 2015.
7 May 2015	Mr X appeared before the Perth Magistrates Court after being charged with driving without a license. He received a fine and was disqualified from driving for three months.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that Mr X did not require treatment for any major mental health issues since its previous report to the Ombudsman. He continued to receive treatment for chronic respiratory and spinal conditions and was prescribed with medication.

Mr Y, Mr Z and Mr Q

IHMS advised that Mr Y, Mr Z and Mr Q have not required treatment for any major mental or physical health issues since its previous report to the Ombudsman.

Case status

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

Mr X was removed from Australia in August 2015.

Mr X's sons, Mr Y, Mr Z and Mr Q have no matters before DIBP, the courts or tribunals and have been referred for removal action.