

## ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

*Under s 486O of the Migration Act 1958*

This is the fourth s 486O assessment on Ms X and her family who have remained in immigration detention for more than five years. The previous assessment 1001212-O1 was tabled in Parliament on 29 November 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

<b>Name</b>	Ms X (and family)
<b>Citizenship</b>	Country A
<b>Year of birth</b>	1968

### Family details

<b>Family members</b>	Miss Y (daughter)	Miss Z (granddaughter)
<b>Citizenship</b>	Country A	Country A
<b>Year of birth</b>	2002	2009

<b>Ombudsman ID</b>	1001212-O2
<b>Date of department's report</b>	9 December 2017
<b>Total days in detention</b>	1,821 (at date of department's report)

### Recent detention history

Since the Ombudsman's previous assessment, the family has continued to be placed in the community.<sup>1</sup>

### Recent visa applications/case progression

August 2017	Safe Haven Enterprise visa (SHEV) application refused.
November 2017	The Immigration Assessment Authority (IAA) affirmed the refusal decision.
December 2017	The Department of Home Affairs' (the department) advised that Ms X had expressed an intention to lodge an application for judicial review of the IAA's decision.

### Health and welfare

*Ms X*

International Health and Medical Services (IHMS) advised that Ms X continued to attend psychological counselling for the management of mental health conditions related to past trauma and her family's immigration status

<sup>1</sup> The family was granted a placement in the community under s 197AB of the *Migration Act 1958* and remains in immigration detention.

*Miss Y*

IHMS advised that Miss Y attended psychological counselling and reported experiencing anxiety and stress regarding her immigration pathway and the possibility of being returned to Country A. Miss Y was admitted to hospital following an incident of self-harm and following her discharge she continued to be monitored by a general practitioner (GP) and psychologist.

August 2017

An Incident Report recorded that Miss Y self-harmed and required emergency medical attention.

*Miss Z*

IHMS advised that Miss Z continued to attend psychological counselling and reported experiencing stress and anxiety in relation to her immigration pathway and the possibility of being returned to Country A. Ongoing counselling was recommended and she continued to be monitored by a GP.

**Case status**

Ms X and her family have been found not to be owed protection under the *Migration Act 1958* and have remained in immigration detention, both in a detention facility and the community, for more than five years.

In August 2017 the family's SHEV application was refused and in November 2017 the IAA affirmed the refusal decision.

At the date of the department's latest report, the family was still within the timeframe to apply for judicial review of the IAA's decision.