

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fifth s 486O assessment on Mr X, Ms Y and their son who remained in immigration detention for more than 78 months (six and a half years). The previous assessment 1003042 was tabled in Parliament on 15 February 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Name	Mr X (and family)	Ms Y (wife)
Citizenship	Stateless, born in Country A	Stateless, born in Country A
Year of birth	1972	1979
Ombudsman ID	1000560-O	
Date of DIBP's report	12 January 2017	
Total days in detention	2,368 (at date of DIBP's report)	

Recent detention history

The family continued to be placed in the community.	
30 May 2017	Granted Temporary Protection visas (TPV) and released from immigration detention.

Recent visa applications/case progression

27 September 2016	<p>The Federal Circuit Court declared that the negative Protection Obligation Evaluation (POE) decision for the family was not made according to law and ordered that the application for judicial review was otherwise dismissed.</p> <p>As a result the matter was remitted to the Department of Immigration and Border Protection for reconsideration as it was conceded that the POE decision was in breach of the rules of procedural fairness.</p>
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Health and welfare

<p>Mr X was provided with treatment for physical health concerns including back pain and obesity. He was also monitored for the management of mental health concerns including depression and anxiety.</p> <p>Ms Y and her son did not receive treatment for any major physical or mental health issues.</p>
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Case status

Mr X and his family were granted TPVs on 30 May 2017 and were released from immigration detention.
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