

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 Mr X, Ms Y and their family¹ who have remained in immigration detention for more than 60 months (five years). The previous assessment 1001472-O was tabled in Parliament on 18 October 2017. This assessment provides an update and should be read in conjunction with the previous assessments.

Family members	Mr X (and family)	Ms Y (wife)
Citizenship	Stateless, born in Country A	Stateless, born in Country B
Year of birth	1982	1988
Total days in detention	1,822 (at date of department's report)	1,822 (at date of department's report)

Family details

Family members	Miss Z (sister-in-law) ²	Master P (son)	Miss Q (daughter)
Citizenship	Stateless, born in Country B	Stateless, born in Country B	Stateless, born in Australia
Year of birth	2004	2009	2013
Total days in detention	1,822 (at date of department's report)	1,822 (at date of department's report)	1,467 (at date of department's report)

Ombudsman ID	1001472-O1
Date of department's report	10 October 2017

Recent detention history

Since the Ombudsman's previous assessment, the family³ has continued to be placed in the community.⁴

Recent visa applications/case progression

26 July 2017	The Minister lifted the bar under s 46A of the <i>Migration Act 1958</i> to allow children born to parents who arrived in Australia by sea to apply for a temporary protection visa, contingent on their parents lodging a visa application before 1 October 2017.
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¹ This is also the fourth s 486O assessment on Miss Q who was born in immigration detention and has remained in detention for more than four years. For the purpose of reporting under s 486N, her timeline in detention has been aligned with her family and they are reported on together.

² The department advised that Miss Z was previously identified as Mr X and Ms Y's daughter. The department advised in the family's 60-month report that Miss Z is Ms Y's sister.

³ Mr X and Ms Y's third child, Miss R, was born in Australia in August 2017. At the time of its report, the department advised that Miss R was yet to be detained as it was awaiting the provision of her birth certificate.

⁴ The family was granted a placement in the community under s 197AB and remains in immigration detention.

8 August 2017	Miss R lodged a Safe Haven Enterprise visa (SHEV) application which was taken to be part of her family's SHEV application, lodged on 21 August 2015.
10 October 2017	The Department of Home Affairs (the department) advised that the family's SHEV application continued to be processed.

Health and welfare

Mr X

IHMS advised that Mr X continued to be monitored by a general practitioner (GP) for hepatitis C. He underwent pathology testing which identified liver abnormalities and he was referred to a gastroenterologist for review in September 2017.

Ms Y

IHMS advised that Ms Y gave birth to her daughter, Miss R, in August 2017.

Miss Z

IHMS advised that Miss Z was reviewed by a speech pathologist in February 2017 for a significant speech delay. The speech pathologist advised that Miss Z's language, literacy and communication skills were below average and recommended that she attend ongoing speech therapy. She continued to be monitored by a GP and speech therapist.

Master P

IHMS advised that Master P continued to engage with a speech pathologist and GP for the management of symptoms of attention deficient hyperactivity disorder, dyslexia and a speech delay.

Miss Q

IHMS advised that Miss Q was monitored by a GP for low weight concerns.

Other matters

The department advised that Mr X's brother, Mr S, was granted a SHEV and resides lawfully in the community.

Case status

Mr X, Ms Y and their family were detained on 13 October 2012 after arriving in Australia by sea and have remained in immigration detention, both in a detention facility and the community, for more than five years.

The Ombudsman's previous assessment recommended that the department expedite the resolution of the family's SHEV application.

On 18 October 2017 the Minister advised that the department was progressing the family's case and that the department had requested the family to provide additional information to support their SHEV application.

At the time of the department's report the family's SHEV application continued to be processed.