

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the second s 486O assessment on Mr X, Ms Y and their family who have remained in immigration detention for a cumulative period of more than three and a half years. The previous assessment 1002509-O was tabled in Parliament on 13 September 2017. This assessment provides an update and should be read in conjunction with the previous assessment.

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| Name | Mr X (and family) | Ms Y (wife) |
| Citizenship | Country A | Country A |
| Year of birth | 1984 | 1984 |
| Total days in detention | 1,278 | 1,278 |

Family details

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|--------------------------------|-------------------|------------------------------|
| Family members | Miss Z (daughter) | Master P (son) ¹ |
| Citizenship | Country A | Country A, born in Australia |
| Year of birth | 2008 | 2015 |
| Total days in detention | 1,278 | 986 |

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| Ombudsman ID | 1002509-O1 |
| Date of department's reports | 26 September 2017 and 26 March 2018 |

Recent detention history

Since the Ombudsman's previous assessment, the family has continued to be placed in the community.²

Recent visa applications/case progression

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| 26 September 2017 and 26 March 2018 | The Department of Home Affairs (the department) advised that it is supporting the Government of Nauru to finalise the Refugee Status Determination of the family while they remain temporarily in Australia for medical treatment. |
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¹ Master P was born in Australian in 2015 and was subject to an individual assessment under s 486N. He was previously reported on in Ombudsman assessment 1002711-O and is now included in his family's assessment.

² The family was granted a placement in the community under s 197AB and remains in immigration detention.

Health and welfare

Mr X

International Health and Medical Services (IHMS) advised that following an injury Mr X was prescribed pain relief medication and referred for physiotherapy. In October 2017 Mr X was prescribed further pain relief for headaches and back pain.

Ms Y

IHMS advised that Ms Y was referred to a psychologist in November 2017. Further therapy was recommended however IHMS advised that no further sessions had been attended.

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| December 2017 and January 2018 | Incident Reports recorded that Ms Y threatened self-harm on two occasions. |
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Miss Z

IHMS advised that Miss Z attended regular psychology sessions for the management of an adjustment disorder with anxious mood related to the family's uncertain immigration status and fears of being removed from Australia.

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| January 2018 | An Incident Report and IHMS recorded that Miss Z expressed thoughts of suicide. |
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| May – November 2017 | Incident Reports recorded that Miss Z was absent from school on multiple occasions due to illness. |
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Master P

IHMS advised that Master P did not receive treatment for any major physical or mental health issues during this assessment period.

Ombudsman assessment

The family was detained in August 2013 after arriving in Australia by sea and has remained in immigration detention, both in a detention facility and the community, for a cumulative period of more than three and a half years.

The family was transferred to a regional processing country (RPC) and returned to Australia for medical treatment. The department advised that because the family arrived after 19 July 2013 they remain liable for transfer back to an RPC on completion of their treatment.

The Ombudsman's previous assessment recommended that priority be given to resolving the family's immigration status while noting Miss Z's ongoing mental health concerns.

On 13 September 2017 the Minister advised that the family had been temporarily transferred to Australia for medical treatment and that the department was supporting the Government of Nauru to finalise the family's refugee status determination while they remained in Australia.

The family's return to an RPC is likely to be protracted due to their ongoing mental and physical health concerns.

IHMS has advised that Miss Z continued to experience anxiety related to stress associated with the family's immigration status.

It appears likely that the family will remain in detention for a prolonged and uncertain period while they receive medical treatment, posing a serious risk to their mental and physical health.