

REPORT BY THE COMMONWEALTH AND IMMIGRATION OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the fourth s 486O report on Mr X and his family who remained in immigration detention for more than 60 months (five years).

The first report 1000556 was tabled in Parliament on 26 June 2013, the second report 1001081 was tabled in Parliament on 25 June 2014 and the third report 1001633 was tabled in Parliament on 18 March 2015. This report updates the material in those reports and should be read in conjunction with the previous reports.

Name	Mr X (and family)
Citizenship	Country A
Year of birth	1985

Family details

Family members	Ms Y (wife)	Master Z (son)
Citizenship	Country A	Country A
Year of birth	1986	2008

Ombudsman ID	1002730
Date of DIBP's report	15 June 2015
Total days in detention	1,823 (at date of DIBP's report)

Recent detention history

Since the Ombudsman's previous report (1001633), Mr X and his family remained in community detention.	
30 July 2015	Granted Bridging visas with associated Temporary Humanitarian Stay (THS) visas and released from detention.

Recent visa applications/case progression

16 September 2014	The Department of Immigration and Border Protection (DIBP) advised the family that it had commenced a reassessment of their protection claims as part of an International Treaties Obligations Assessment (ITOA) in order to assess whether the circumstances of their case engages Australia's <i>non-refoulement</i> obligations.
10 December 2014	Mr X and his family were invited to comment on country and other information related to the ITOA.
24 December 2014	Mr X and his family provided a response in relation to the ITOA.
23 March 2015	DIBP requested that Mr X provide specific identity documents in relation to the ITOA.
9 April 2015	Mr X provided a response to DIBP.
13 April 2015	Mr X and Ms Y attended an interview in relation to the ITOA.

6 May 2015	The ITOA was finalised with a finding that their case does not engage Australia's <i>non-refoulement</i> obligations.
11 June 2015	Requested judicial review by the Federal Circuit Court (FCC). A directions hearing was scheduled for 14 October 2015.
30 July 2015	Granted Bridging visas with associated THS visas.

Health and welfare

Mr X

21 June 2015	International Health and Medical Services (IHMS) advised that Mr X continued to be prescribed with antidepressant medication and the general practitioner (GP) was monitoring Mr X's depression and anxiety prior to his release from detention. No acute mental health issues were identified. The GP also monitored Mr X's ongoing blood disorder, chronic back pain and sinus problems.
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Ms Y

2 February 2015	Referred to an eye hospital following an ongoing eye condition identified in December 2014. The hospital advised it had forwarded the referral to a specialist service and there would be a four month waiting period. In the interim IHMS organised an appointment for Ms Y with an optometrist and her condition was monitored by the GP.
27 March 2015	The GP confirmed her pregnancy with a due date in November 2015. She was referred for antenatal care.

Master Z

24 June 2015	Master Z attended a review for his speech impediment. No further information was provided.
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Case status

Mr X and his family have been found not to be owed protection under the Refugee Convention and the complementary protection criterion. They are awaiting the outcome of judicial review by the FCC in relation to the ITOA decision.

Mr X and his family were granted Bridging visas with associated THS visas on 30 July 2015 and released from immigration detention.