

ASSESSMENT BY THE COMMONWEALTH OMBUDSMAN FOR TABLING IN PARLIAMENT

Under s 486O of the Migration Act 1958

This is the sixth s 486O assessment on Mr X, Ms Y and their children¹ who have remained in immigration detention for more than 90 months (seven and a half years). The previous assessment 1000279-O was tabled in Parliament on 10 May 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	Country A	Country A
Year of birth	1978	1980
Total days in detention	2,732 (at date of DIBP's latest report)	2,732 (at date of DIBP's latest report)

Family details

Family members	Miss Z (daughter)	Master P (son)
Citizenship	Country A, born in Australia	Country A, born in Australia
Year of birth	2011	2012
Total days in detention	2,421 (at date of DIBP's latest report)	1,762 (at date of DIBP's latest report)

Ombudsman ID	1000279-O1
Date of DIBP's reports	13 March 2017 and 13 September 2017

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

26 July 2017	The Minister lifted the bars under ss 46A and 48A of the <i>Migration Act 1958</i> to allow the family to lodge a temporary visa application.
5 September 2017	The Department of Immigration and Border Protection (the department) invited the family to apply for a temporary visa.

Health and welfare

Ms Y

International Health and Medical Services (IHMS) advised that Ms Y was provided with treatment for acute tonsillitis and was referred for surgical review of a non-cancerous tumour.

¹ This is the second s 486O assessment on Master P. For the purpose of reporting under s 486O, his timeline in detention has been aligned with his parents and they are reported on together.

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

Mr X, Miss Z and Master P

IHMS advised that Mr X, Miss Z and Master P did not receive treatment for any major physical or mental health issues during this assessment period.

Case status

Mr X, Ms Y and their children were detained on 20 March 2010 after arriving in Australia by sea and have remained in immigration detention, both in a detention facility and the community, for more than seven and a half years.

The Ombudsman's previous assessment recommended that the Minister expedite the resolution of the family's case noting the length of time they had remained in immigration detention.

On 10 May 2017 the Minister noted the recommendation and advised that the department was preparing a submission of options for the family for his consideration.

On 26 July 2017 the Minister lifted the bars under ss 46A and 48A to allow the family to apply for a temporary visa and on 5 September 2017 the department invited the family to apply.